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BOONE COUNTY ZONING BOARD OF APPEALS

MEETING

Tuesday, August 22, 2017

County Board Room

1212 Logan Avenue

Belvidere, IL 61008

ROLL CALL:

Members Present:

Staff Present:

Brian VanLaar, Chairman
Tony Savino
Joan Krumm
Steve Schabacker
Mark Rode (7:05 entrance)

Hilary Rottman, Land Use
Planner
Drew Bliss, Zoning

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

2 August 22, 2017

3 MR. VANLAAR: I'd like to call this
4 meeting to order. Let's stand and say the Pledge of
5 Allegiance and then stay standing for the
6 invocation.

7 (Whereupon, the Pledge of
8 Allegiance was recited and an
9 invocation given.)

10 MR. VANLAAR: Roll call, please.

11 MS. ROTTMANN: Schabacker?

12 MR. SCHABACKER: Here.

13 MS. ROTTMANN: Rhode.

14 (No response.)

15 MS. ROTTMANN: Krumm?

16 MS. KRUMM: Here.

17 MS. ROTTMANN: Savino?

18 MR. SAVINO: Here.

19 MS. ROTTMANN: VanLaar?

20 MR. VANLAAR: Here. We have a quorum.

21 The minutes, if you guys have had a
22 chance to look at them, and if you have, I will take
23 a motion to accept them.

24 MS. KRUMM: So moved.

1 MR. VANLAAR: Moved by Krumm.

2 MS. ROTTMANN: Second.

3 MR. VANLAAR: Second by Savino. Any
4 discussion? All those in favor say aye.

5 (Whereupon, the ayes were heard.)

6 MR. VANLAAR: All those opposed?

7 (Whereupon, no nays were heard.)

8 MR. VANLAAR: Motion carries. Minutes are
9 approved.

10 Public comment? This is for -- this
11 is a public comment for everything that is not on
12 the agenda. It sounds kind of strange, but this is
13 something that's governed by the State, that we have
14 to allow the floor to be given to those who wish to
15 have a public comment. For those who wish to have
16 public comment regarding the cases before us, wait,
17 and everybody will have a turn.

18 So is there any public comment at this
19 point?

20 (No response.)

21 MR. VANLAAR: Seeing none. Moving on.
22 Unfinished business. There is none. And I will
23 move on to new businesses -- new business.

24 We have a full slate. We have five

1 different cases tonight, and it's slightly out of
2 numerical order, mainly due to the fact that we're
3 going to put the, what we would perceive, the easy
4 ones first. But -- or the quick ones first. So
5 let's begin with Case No. 18-2017, and I'll ask
6 Hilary to summarize it for us, please.

7 MS. ROTTMANN: The Applicant, Sherry
8 Giesecke, 20760 Poplar Grove Road, is requesting a
9 variance -- a variance for lot development standards
10 of the A-1 Zoning District to allow for a 15-foot
11 rear yard setback to construct a pole barn on the
12 said property in unincorporated Manchester Township,
13 Boone County, Illinois.

14 The existing land use for the subject
15 property and adjacent properties, are single-family
16 residence, single-family residence row crop, and all
17 row crop along.

18 The current zoning for the subject
19 property and adjacent properties are all A-1,
20 agricultural preservation.

21 The comprehensive plan for the subject
22 and adjacent properties are agricultural/rural.

23 The background about this project is
24 that the Applicant wishes to construct a 30 by 40

1 pole barn 15 feet from the rear property line. The
2 Applicant states that the variance from the setbacks
3 allows for better use of the land. The location of
4 the pole barn was chosen so that the family horse
5 could utilize more free-range space.

6 Other planning considerations: The
7 soil and water district has determined that their
8 review does not apply. The building department has
9 no objections but notes that a zoning certificate
10 will be needed if approved. The health department
11 has no objections to the request, but the Applicant
12 must have a site plan review with the health
13 department if approved. And, lastly, the County
14 engineer has no objections to the request.

15 The trend of the development is
16 predominantly agricultural production with some
17 single-family residences. There is really no
18 development in this area.

19 The comprehensive plan states that
20 rural -- agricultural rural calls for agricultural
21 uses, farmstead, other open lands and single-family
22 residents at or below one dwelling per 40 acres.

23 Moving on to the findings of fact:

24 Number one, the particular physical

1 surroundings, shape or topographical conditions of
2 the subject property involved would not result in a
3 particular hardship upon the owner as distinguished
4 from the mere conveniences, if the strict letter of
5 regulations were carried out.

6 The lot meets all development standards
7 for the zoning district. There is an area within
8 the 3.11 acre parcel to locate the pole barn without
9 variances, but the barn would be placed in the
10 middle of the property creating an unfavorable
11 layout. The Applicant owns a horse and would like
12 to maximize the amount of open space for the animal.

13 Condition number two, the conditions
14 upon the petition for a variance is based would not
15 be based -- sorry. The petition for the variation
16 is based would not be applicable, generally to other
17 properties within the same zoning district. Many
18 property owners in the A-1, agricultural
19 preservation area district, are able to construct
20 agricultural barns and outbuildings on their
21 property without a variance, because this property
22 is smaller in size and the accessory building
23 along -- accessory building setbacks are very large,
24 and it would create challenges for configuring

1 desirable layouts for smaller accessory buildings.

2 Three. The purpose of the variance is
3 not based exclusively upon a desire to make more
4 money out of the property. The Applicant wishes to
5 construct the pole barn for a house farm related --
6 to house farm-related equipment for the family
7 farmette. The variation will not provide a
8 financial gain.

9 Number four. The owner of the property
10 has not created the alleged difficulty or hardship.
11 The planning staff is of the opinion that the
12 requested variance is due to a matter of convenience
13 versus hardship. As such, no hardship exists or to
14 be created by the Applicant.

15 Number five. The granting of the
16 variation will not be detrimental to the public
17 welfare or injurious to other property or
18 improvements in the neighborhood in which the
19 property is located. The planning staff is not
20 aware of any detrimental or injurious impacts that
21 an agricultural building will have on the
22 surrounding properties.

23 Number six. The proposed variance
24 will not impair an inadequate supply of light and

1 air to the adjacent property or substantially
2 increase the congestion in the public streets or
3 increase the danger of fire, endanger the public
4 safety or substantially diminish or impair property
5 values within neighborhood or adversely affect the
6 health, morals, or general welfare of the public.

7 The new building is not anticipated to increase
8 traffic, endanger others, impair property values, or
9 diminish light and air from adjacent property
10 owners.

11 Lastly, the potential public benefits of
12 the variance outweigh any potential adverse impacts
13 of the variance after taking into consideration the
14 Applicant's proposal and any recommendations by the
15 Applicant to ameliorate such impacts.

16 The benefits of the variation outweigh
17 the request due to the fact that the proposed pole
18 barn is not anticipated to have any negative
19 impacts.

20 It is the planning staff recommendation
21 to approve Case No. 18-27.

22 MR. VANLAAR: Thank you. Does the board
23 have any questions at this time for staff?

24

1 MR. SAVINO: I just have, actually, a
2 technicality on something else. Can we put in the
3 minutes that Mark showed up after roll call? He
4 came in and showed up at 7:05?

5 MR. VANLAAR: Yes. 7:05 Mark Rhode showed
6 up.

7 MR. SAVINO: Thank you. No questions.

8 MR. VANLAAR: No questions. Do you guys
9 have any questions for the staff at this time?

10 Is the Applicant here? Would you
11 step up to the podium, please? Would you raise your
12 right hand. Please state your name and address for
13 the record.

14 MS. GIESECKE: Sherry Giesecke, 20760
15 Poplar Grove Road, Poplar Grove, Illinois.

16 SHERRY GIESECKE,
17 having been first duly sworn, was examined and
18 testified as follows:

19 MR. VANLAAR: Do you have anything further
20 to add than the summary that was just presented?

21 MS. GIESECKE: Not really. Jack will be
22 appreciative if we get this approved. That's the
23 horse. Nope, that's it. I think -- Hilary did a
24 great job.

1 MR. VANLAAR: Does the board have any
2 questions for the Applicant?

3 MR. SAVINO: So you want to push the barn
4 further back so there's more room for pasture?

5 MS. GIESECKE: Well, Jack is sort of an
6 ancillary issue. There's so many huge oak trees in
7 the pasture that if we have to put it 40 feet out,
8 we're either going to have to take the trees down or
9 lop off those branches, and we prefer not to do
10 that.

11 MR. SAVINO: Got it.

12 MS. GIESECKE: And that just happens to be
13 if you can see up there (indicating) --

14 MR. SAVINO: Yeah.

15 MS. GIESECKE: -- there's an open space
16 there, and one of those old -- what kind of tree was
17 it, Gene?

18 AUDIENCE MEMBER: Boxelder.

19 MS. GIESECKE: And old Boxelder that was
20 in the way. That's gone now, so it may be even more
21 appropriate.

22 MS. GIESECKE: I'm sorry. I couldn't
23 remember what kind of tree. There's so many of
24 them.

1 MR. VANLAAR: Anything else from the
2 board?

3 (No response.)

4 MR. VANLAAR: Does anybody from the
5 audience have anything of a cross-examining
6 standpoint for the Applicant?

7 (No response.)

8 MR. VANLAAR: If not, you may sit down.

9 MS. GIESECKE: Thank you.

10 MR. VANLAAR: Does anybody in the audience
11 have anything to say in favor of this variance?

12 (No response.)

13 MR. VANLAAR: Does anybody in the audience
14 have anything to say in regards to -- against this
15 variance?

16 (No response.)

17 MR. VANLAAR: Seeing none. Do you guys
18 have any other pressing --

19 MS. KRUMM: I'm going to propose to close
20 the hearing.

21 MR. VANLAAR: Motion to move -- to close
22 the public hearing. Is there a second?

23 MR. RHODE: Second.

24 MR. VANLAAR: Second by Rhode. All those

1 in favor say aye.

2 (Whereupon, the ayes were heard.)

3 MR. VANLAAR: All those opposed?

4 (Whereupon, no nays were heard.)

5 MR. RHODE: The public hearing is closed
6 for No. 18-2017. Do I have a motion to accept the
7 findings of fact?

8 MR. SAVINO: I'll make that motion.

9 MR. VANLAAR: Motion by Savino. Any
10 discussion?

11 (No response.)

12 MR. VANLAAR: All those in favor say aye.

13 (Whereupon, the ayes were heard.)

14 MR. VANLAAR: All those opposed?

15 (Whereupon, no nays were heard.)

16 MR. VANLAAR: The motion carries. The
17 finding of fact is accepted.

18 MR. SAVINO: I make a motion to approve
19 Case No. 18-2017.

20 MR. VANLAAR: Motion by Savino.

21 MR. SCHABACKER: Second.

22 MR. VANLAAR: Second by Schabacker. Any
23 discussion?

24 MR. SAVINO: There's no neighbors, nobody

1 around there?

2 MS. ROTTMANN: Nobody has submitted any
3 questions or concerns.

4 MS. KRUMM: Jack will be happy.

5 MS. GIESECKE: I will, too, since his
6 jump will be in the back.

7 MR. VANLAAR: Hearing no further
8 discussion. All those in favor say aye. Actually,
9 it's a roll call. Sorry.

10 MS. ROTTMANN: Krumm?

11 MS. KRUMM: Yes.

12 MS. ROTTMANN: Savino?

13 MR. SAVINO: Yes.

14 MS. ROTTMANN: Rhode?

15 MR. SAVINO: Yes.

16 MS. ROTTMANN: Schabacker?

17 MR. SCHABACKER: Yes.

18 MS. ROTTMANN: VanLaar?

19 MR. VANLAAR: Yes. Motion carries.

20 MS. GIESECKE: Thank you.

21 MS. ROTTMANN: Your variance has been
22 approved. You will receive an acceptance letter and
23 next will be forwarded on to the County. Feel free
24 to stay or you're welcome to go.

1 MR. VANLAAR: Variance No. 2. Special
2 Use. Discussion on Case No. 19-2017, Manchester
3 Township. Hilary, would you please give us a
4 summary?

5 MS. ROTTMANN: Yes. Manchester Township,
6 20904 Grade School Road is requesting a special use
7 to allow for the additional storage shed of a garage
8 in the A-1, agricultural preservation district.
9 This is in unincorporated Manchester Township and
10 Boone County.

11 The existing land use for the subject
12 and adjacent properties: The subject property is
13 currently the township garage and storage. Adjacent
14 properties are agricultural/row crop and one
15 residential property to the south. The current
16 zoning for subject and adjacent properties are all
17 A-1, agricultural preservation. The comprehensive
18 plan for subject is that it is all rural and
19 agricultural.

20 A little bit of background on this. The
21 subject property is located on the west corner of
22 Grade School Road and Rockton Road. The township
23 purchased 0.80 acres to the west of the current
24 property making the total 3.42 acres once recorded.

1 The Applicant is requesting to build a 60-foot by
2 100-foot pole barn to become a machine and equipment
3 storage facility for Manchester Township.

4 The Boone County Zoning Ordinance Table
5 of Permitted Uses states that this type of request
6 falls under the public or institutional uses and
7 requires a special use permit in an A-1 zoning
8 district. So as -- it's just procedural that all
9 government related uses go through this process.

10 Other planning considerations: Soil and
11 water has determined that the review does not apply
12 to this instance.

13 The Boone County Building Department
14 states that there's no objections to the special use
15 request and that a building permit will be required
16 and commercial building codes will apply if the case
17 is approved.

18 The health department states that if the
19 request is given approval, the Applicant will need
20 to come into the Boone County Health Department to
21 do a plan review for this property, and the County
22 engineer has no objections.

23 There is little to no trend on
24 development of this area. It is mostly agriculture

1 preservation.

2 The comprehensive plan states that this
3 is rural agriculture and that agricultural uses,
4 farmsteads, other open lands and single-family
5 residences at or below one dwelling for 40 acres.

6 Moving on to findings of fact: The
7 proposed structure or use at the particular location
8 requested is necessary or desirable to provide a
9 service or a facility which is in the interest of
10 the public and will contribute to the general
11 welfare of the neighborhood or community.

12 Findings: The purpose of the addition
13 to the property is necessary, desirable and will
14 serve the neighborhood and community of Manchester
15 Township.

16 The proposed structure or use will have
17 a substantial adverse affect upon the adjacent
18 property -- will not -- sorry. Will not have a
19 substantial adverse affect upon the adjacent
20 property, the character of the neighborhood, traffic
21 conditions, utility facilities and other matters
22 affecting the public health, safety and general
23 welfare.

24 The structure will enhance the

1 community, safety and general welfare by providing
2 shelter to the equipment that the community depends
3 on.

4 The proposed structure will be designed,
5 arranged and operated so as to permit the
6 development and use of the neighboring property in
7 accordance with the applicable district regulations.

8 The proposed structure will enhance the
9 operations, use of the property, and be developed in
10 accordance with the district regulations.

11 Number four. Such other standards and
12 criteria as are established by the ordinance for a
13 special use set for by Section 2.7.4 shall apply to
14 this property for as long as the special use is in
15 effect.

16 The special use will be required to
17 conform to all applicable regulations of the zoning
18 district in which it is located in addition to any
19 conditions of approval enacted by the County Board.
20 A set of proposed conditions are included in the
21 recommendations section of this staff report.

22 Number five. The special use shall be
23 in all other respects, conform to the applicable
24 regulations of the district in which it is located,

1 except as such regulations may in each instance be
2 modified by the County Board pursuant to the
3 recommendations of the Zoning Board of Appeals.

4 The use and development will be subject
5 to review of the appropriate County departments in
6 issuance of all necessary permits and
7 certifications.

8 Six. The potential public benefit of the
9 special use outweigh any potential adverse impacts
10 of the special use after taking into consideration
11 the Applicant's proposal and any required
12 recommendation.

13 Considerations placed on the special use
14 will help keep the potential negative impacts to the
15 surrounding properties to a minimum. The request
16 will not detract from the overall environment of the
17 area.

18 The planning staff recommends the
19 approval of Case No. 19-2017 subject to the
20 following conditions:

21 The special use shall be entirely in
22 compliance with the information submitted with the
23 application.

24 Number two. A full site plan review

1 will need to be administered by all appropriate
2 agencies, and those agencies shall approve the site
3 plan or be required to do amendments prior to the
4 site being used for the structure.

5 Number three. Compliance with all the
6 letters as submitted by staff.

7 Four. Only one identification sign
8 shall be allowed on the premises if they so wish to
9 move forward with getting a sign for this property.

10 Number five. Compliance with all other
11 applicable local, state and federal laws, rules and
12 regulations.

13 MR. VANLAAR: Thank you, Hilary.

14 Does the board have any questions or
15 clarifications they want answered by planning?

16 (No response.)

17 MR. VANLAAR: Seeing none. Can we have
18 the Applicant step forward, please, to the
19 microphone and raise your right hand and I'll swear
20 you in.

21 MR. MORSE: My name is Raymond Morse,
22 Supervisor for Manchester Township. The address is
23 19912 Poplar Grove Road, Poplar Grove.

24 (See next page.)

1 RAYMOND MORSE,
2 having been first duly sworn, was examined and
3 testified as follows:

4 MR. VANLAAR: Very good. Do you have
5 anything else to add to this?

6 MR. MORRIS: No. Hilary did a great job.

7 MR. VANLAAR: Okay. Does the Board have
8 any questions for the Applicant? Yes, Steve.

9 MR. SCHABACKER: Yeah, what's your time --
10 if this is passed, what's your time frame?

11 MR. MORRIS: Hopefully, November.

12 MR. SCHABACKER: So if things go good for
13 you, you start in November?

14 MR. MORRIS: That's correct.

15 MR. SCHABACKER: All right.

16 MR. VANLAAR: Anybody else?

17 (No response.)

18 MR. VANLAAR: Does anybody in the audience
19 wish to question the Applicant at this time?

20 (No response.)

21 MR. VANLAAR: Seeing none, you may sit
22 down.

23 MR. MORRIS: Thank you.

24 MR. VANLAAR: Is there anybody in the

1 audience that would like to speak in favor of the
2 special use?

3 (No response.)

4 MR. VANLAAR: Is there anybody in the
5 audience that would like to speak not in favor of
6 the special use?

7 (No response.)

8 MR. VANLAAR: Seeing none for each of
9 those, I will take a motion to close the public
10 hearing.

11 MS. KRUMM: So moved.

12 MR. VANLAAR: Motion by Krumm to close the
13 public hearing.

14 MR. SCHABACKER: Second.

15 MR. VANLAAR: Second by Schabacker. Any
16 discussion?

17 (No response.)

18 MR. VANLAAR: All those in favor say aye.

19 (Whereupon, the ayes were heard.)

20 MR. VANLAAR: All those opposed?

21 (Whereupon, no nays were heard.)

22 MR. VANLAAR: The public hearing is
23 closed. Do I have a motion to accept the findings
24 of fact?

1 MR. SAVINO: So moved.

2 MS. KRUMM: Second. Oh, yeah, there you
3 go.

4 MR. VANLAAR: Was he -- was Savino first?

5 MS. KRUMM: Yeah.

6 MR. VANLAAR: Okay. Motion by Savino to
7 accept the findings of fact and second by Krumm.
8 Any discussion?

9 (No response.)

10 MR. VANLAAR: Seeing none. All those in
11 favor say aye.

12 (Whereupon, the ayes were heard.)

13 MR. VANLAAR: All those opposed?

14 (Whereupon, no nays were heard.)

15 MR. VANLAAR: Motion carries. Findings of
16 fact are accepted. We'll take a motion to accept
17 this special use.

18 MR. RHODE: I'll make a motion.

19 MR. SCHABACKER: Second.

20 MR. VANLAAR: Motion by Rhode. Second by
21 Schabacker.

22 MR. SCHABACKER: Yep.

23 MR. VANLAAR: Any discussion?

24 MR. SAVINO: I just want to say at the

1 Regional Planning Commission, I asked Mr. Morris
2 about the little old white square, and he said
3 that's staying. They're not getting rid of it.

4 MR. VANLAAR: It should go as historical
5 landmark.

6 MR. SAVINO: Yes.

7 MR. VANLAAR: Any further discussion?

8 (No response.)

9 MR. VANLAAR: Seeing none. Roll call,
10 please.

11 MS. ROTTMANN: Savino?

12 MR. SAVINO: Yes.

13 MS. ROTTMANN: Krumm?

14 MS. KRUMM: Yes.

15 MS. ROTTMANN: Rhode?

16 MR. RHODE: Yes.

17 MS. ROTTMANN: Schabacker?

18 MR. SCHABACKER: Yes.

19 MS. ROTTMANN: VanLaar?

20 MR. VANLAAR: Yes. Motion carries.

21 Next up is -- I'm sorry. His next
22 step is?

23 MS. ROTTMANN: I'm sorry. The next steps
24 for you will be the PZB on September 2nd, and we

1 will go from there.

2 MR. MORRIS: Okay. Thank you.

3 MS. ROTTMANN: You're welcome to stay or
4 leave.

5 MR. VANLAAR: The next two cases deal with
6 the -- with the same Applicant, and I see that there
7 are a number of public comment sheets up here. The
8 first case, No. 15-2017 is a special use. Listen to
9 that closely. Please listen to the definition or
10 the reason for the special use and determine whether
11 or not that's what you've come here to have a public
12 comment on, or if it was for the variance in
13 16-2017.

14 AUDIENCE MEMBER: Could you possibly turn
15 the volume up a little bit?

16 MR. VANLAAR: I can try and speak a little
17 bit louder. How's that?

18 AUDIENCE MEMBERS: Thank you.

19 MR. VANLAAR: I'll try to reiterate what I
20 said, okay? These next two cases, 15-2017 and
21 16-2017, are in regards to the same -- or the same
22 Applicant is asking, first, for a special use, and
23 then, second, for a variance. I have quite a bit of
24 public comment sheets up here regarding those two

1 cases.

2 Those who want to make public comment,
3 please -- and I'll try to help you -- if it's for
4 the variance, make the public comment regarding the
5 variance. If it's for the special use, make the
6 public comment regarding the special use. So listen
7 carefully as to the difference between them. We
8 will start off first with the special use, and if
9 you want to make a public comment regarding that,
10 you will have your chance. That's not a problem.

11 We do have a lot of sign-ins, and those
12 who have not signed in, please sign in, and present
13 to us your name and address and the case that you'd
14 like to talk about before you speak. So with that
15 said, I will turn it over to Hilary to summarize
16 Case 15-2017, Hammer -- Spencer Hammer requesting a
17 special use.

18 MS. ROTTMANN: All right. The Applicant,
19 Spencer Hammer, 2252 Anderson Drive in Belvidere,
20 Illinois, is requesting a special use in the Table
21 of Permitted Uses to allow for the construction of a
22 self-storage facility in the B-2 general business
23 district at 2519 US Route 20 in unincorporated
24 Belvidere Township.

1 The existing land use for the subject
2 property is vacant land/vehicle storage.

3 The adjacent properties: To the north
4 is agricultural/row crop and agricultural
5 residential. To the east: Row crop. South:
6 Residential. To the west: Recreational vehicle
7 storage.

8 The current zoning for the subject
9 property is B-2 general business district with the
10 US corridor overlay. To the north is A-1 with the
11 US 20 corridor overlay. East and west to this
12 property is B-2 general business district and US 20
13 corridor overlay district, and to the south is R-1
14 single-family residences.

15 The comprehensive plan states for the
16 subject property NB, neighborhood business. To the
17 north, mixed residential. To the east, neighborhood
18 business. To the south, single-family residences,
19 and to the west institutional.

20 A little background about the Applicant
21 and the project. The subject property is located on
22 Business 20, also known as State Street, west of the
23 City of Belvidere in unincorporated Belvidere
24 Township. The property was used as a factory for

1 Franklin Wire Works prior to a fire that has left
2 the property in its current vacant state. The
3 Applicant is requesting to construct a self-storage
4 facility to correspond with his business directly
5 west of the property which is Hammertime Sports
6 which sells recreation vehicles and accessories.

7 The Boone County Zoning Ordinance
8 defines self-service storage facility as a building
9 or set of buildings consisting of individual rental
10 units of space, each having its own door.

11 Facilities may include outdoor storage space. So I
12 provide a document showing that it is a special use
13 within this current zoning district.

14 The buildings to the west of the
15 property, the location of Hammertime Sports, were
16 built and current uses were established prior to the
17 adoption of the US 20 corridor overlay district
18 guidelines which were adopted in 2008. The US
19 Highway 20 corridor overlay district is an
20 additional zoning district that requires specific
21 development standards for properties lying within
22 1/4 mile of the US 20 or Business 20.

23 Planning considerations from other
24 departments: The Soil and Water Conservation

1 District has determined that their review does not
2 apply in this instance.

3 The Boone County Engineer, Justin Krohn,
4 reviewed the application stating that the Applicant
5 should provide calculations on sizing of the
6 detention pond. Sizing and discharge rate
7 requirements are in the County Ordinance.

8 IDOT reviewed the request and has no
9 objections. The building department has no
10 objections to the special use, but building permits
11 will be required for any structures if approved.

12 The health department states that the
13 only concern that they have is if there will be a
14 need for water and sewage disposal on the property.
15 If so, they will need to contact the health
16 department to determine well and septic needs.

17 The trend of the development overview.
18 The subject property is located on the west side of
19 the County. There has been little to no development
20 in this section.

21 The comprehensive plan states
22 neighborhood business as the future use. That is
23 defined as residential, office and neighborhood
24 supporting institutions or commercial uses which

1 preserve the residential character through building
2 scale, building appearance, landscaping and signage.

3 Findings of fact: Number one, the
4 proposed structure or use at a particular location
5 requested is necessary or desirable to provide a
6 service or a facility which is in the interest of
7 the public.

8 The proposed local business would
9 benefit the public looking for self-storage and is
10 desirable -- and is a desirable service.

11 The proposed structure or use will not
12 have a substantial adverse affect upon the adjacent
13 property, the character of the neighborhood, traffic
14 conditions, utility facilities and other matters
15 affecting the public health, safety and general
16 welfare.

17 The proposed structure and use will not
18 have substantial adverse affects upon adjacent
19 properties and is not anticipated to affect the
20 public health, safety and general welfare.

21 Number three. The proposed structure or
22 use will be designed, arranged, operated so as to
23 permit the development and use of neighboring
24 property in accordance with the applicable district

1 regulations.

2 This use is permitted as a special use
3 within the B-2 zoning district. The proposed use
4 may encounter challenges complying with the US 20
5 corridor overlay district.

6 Number four. Such other standards and
7 criteria as are established by the ordinance for a
8 special use shall apply to this property for as long
9 as the special use permit is in effect.

10 The special use will be required to
11 conform to all applicable regulations of the zoning
12 district in which it is located in addition to any
13 conditions of approval enacted by the County Board.
14 A set of proposed conditions are included in the
15 recommendation section.

16 Number five. The special use will in
17 all other respects conform to the applicable
18 regulations of the district in which it is located,
19 except if granted variations.

20 The use and development will be subject
21 to review by the appropriate County departments and
22 issuance of all necessary permits and
23 certifications.

24 And, finally, six. The potential public

1 benefits of the special use outweigh any potential
2 adverse impacts of the special use after taking into
3 consideration the Applicant's proposal.

4 Conditions placed on the special use
5 will keep the potential negative impacts to the
6 surrounding properties to a minimum. The special
7 use will be a benefit to those in need of
8 self-storage. The request will not detract from the
9 overall environment of the area.

10 Planning staff recommends the approval
11 of Case 15-2017 subject to the following conditions:

12 Number one. The special use will be
13 entirely compliant with the special use narrative
14 and accompanying information submitted with the
15 application.

16 Number two. A full site plan review
17 will need to be administered by all appropriate
18 agencies. Those agencies shall approve the site
19 plan or require amendments before construction.

20 Number three. Compliance with included
21 letters submitted by appropriate departments.

22 Number four. Applicant shall install a
23 landscaping screen from residential properties
24 located on the south side of the property.

1 Tree plantings shall be selected for
2 their visibility screening qualities. The tree
3 plantings are expected to be between an evergreen,
4 coniferous variety consistent with trees native to
5 the surrounding area. Trees shall be planted along
6 the south perimeter of the property with two rows of
7 eight-foot or ten-foot evergreen trees. Spacing for
8 the trees is anticipated to be around 15 feet
9 on-center. The trees shall be planted within
10 six months of the property owner -- and the property
11 owner shall replace any dead trees within six months
12 of their dying.

13 Number five. All outdoor lighting used
14 to illuminate the self-storage facility shall be
15 directed away from adjacent properties and roadways
16 and illumination levels shall not exceed the one
17 foot-candle at the property line.

18 The Applicant is responsible for hiring
19 a contractor to perform tests to confirm that the
20 lighting does not exceed one foot-candle at the
21 property lines.

22 Number six. All traffic areas shall be
23 paved with asphalt and/or concrete.

24 Seven. Signage shall be subject to the

1 provisions of the Boone County Code, including but
2 not limited to the mounting and setback
3 requirements. Location of sign shall not be placed
4 within the Business 20 right-of-way.

5 And number eight. Compliance with all
6 other applicable local, state and federal laws,
7 rules and regulations.

8 MR. VANLAAR: Thank you, Hilary.

9 Is there any questions from the board?

10 MS. KRUMM: Number three, the finding, the
11 proposed use may encounter challenges complying with
12 the US corridor overlay district. What do you
13 expect?

14 AUDIENCE MEMBER: We can't hear.

15 MS. KRUMM: I'm sorry. Okay. Number
16 three in the findings of fact.

17 MS. ROTTMANN: So based on what the
18 Applicant is proposing, I'm stating that they may
19 encounter some difficulties complying with all of
20 the corridor overlay district based on what they're
21 looking to develop.

22 MS. KRUMM: Such as?

23 MS. ROTTMANN: Such as --

24 MR. SAVINO: Setbacks.

1 MS. ROTTMANN: -- setbacks, landscaping.
2 The overlay district is very restrictive and
3 requires a lot of design requirements and detail.

4 AUDIENCE MEMBER: We can't hear nothing.

5 AUDIENCE MEMBER: We can't hear a thing.

6 MS. ROTTMANN: I'm sorry. Can you hear
7 better now? Sorry.

8 So I had stated that challenges
9 complying with the US 20 corridor could be instances
10 setbacks, design, landscaping. Things of that
11 nature. The overlay district is very restrictive.
12 And based on the Applicant's proposal, they could
13 run into issues with that.

14 MS. KRUMM: Well, my question is -- is
15 this one on? Can you hear this?

16 AUDIENCE MEMBER: Yes.

17 MS. KRUMM: Okay. My question then is,
18 have we -- has this been looked at, this overlay
19 district, to see if this would work?

20 MS. ROTTMANN: Work as in --

21 MS. KRUMM: Well --

22 MS. ROTTMANN: -- do we want to keep it in
23 the County or --

24 MS. KRUMM: No, no, no. The problems that

1 may occur, has this already been looked at? I mean,
2 this overlay district, has the Applicant or have
3 you, the staff, looked at the possible problems that
4 could come up with this proposal as it is?

5 MS. ROTTMANN: When the Applicant had come
6 in to discuss the proposed project, I did notify
7 them of the zoning districts and the requirements of
8 each of the zoning districts based on what they were
9 looking to do.

10 MS. KRUMM: So they know?

11 MS. ROTTMANN: Correct.

12 MS. KRUMM: Okay. Thank you.

13 MR. VANLAAR: Yes?

14 MR. SAVINO: The next case, the variance
15 is going to address some of those complications.

16 MR. VANLAAR: Yes, that was going to be my
17 question or statement, that next up -- once again,
18 this case here is strictly to say can -- strictly to
19 allow, through a special use process, a self-storage
20 facility on that property. Now, as it -- as it --
21 as the US 20 overlay comes into play, that's where
22 the variance comes in.

23 MS. KRUMM: Okay. Thank you.

24 MR. VANLAAR: That's how I read it.

1 Any other questions or clarification for
2 the staff?

3 MS. KRUMM: No. That's it. Thanks.

4 MR. VANLAAR: Can I ask the Applicant, or
5 those representing the Applicant, to step forward,
6 please. All those that are going to speak, I would
7 like to swear in. We're going to start with you,
8 the name and address.

9 ATTORNEY HURSH: Attorney Jim Hursh, 321
10 West State Street, Rockford from Schafer, DeRango &
11 Cain.

12 JAMES HURSH,
13 having been first duly sworn, was examined and
14 testified as follows:

15 MR. VANLAAR: The next gentleman.

16 MR. HAMMER: Spencer Hammer, 242 Brooke
17 Lane, Rockford, Illinois.

18 SPENCER HAMMER,
19 having been first duly sworn, was examined and
20 testified as follows:

21 MR. VANLAAR: And the next gentleman.

22 MR. BECKER: Nicholas Becker. R.K.
23 Johnson, civil engineers/land surveyors, 1515
24 Windsor Road, Loves Park, Illinois.

1 layout that we have? This is a little bit different
2 than what you have in your packets. This just
3 happened. We didn't have time to get it to you to
4 put in your packets. One of the reasons that the
5 layout was changed was for some of the water
6 concerns that have been raised and to be able to
7 make the pond large enough.

8 MR. BECKER: I'll start by passing these
9 out (tendering documents).

10 Let me start by saying it's by no
11 means a fundamental change from what's in the
12 packet. It's just -- it's just slightly closer to
13 what we envisioned in the final layout, assuming
14 that the variance that's going to be voted on next
15 is approved allowing the buildings to be pushed
16 farther north towards US Route 20 and creating more
17 green space for a detention area and landscape
18 buffer along the south side of the property. And to
19 achieve that goal, the buildings were shifted so
20 they're no longer oriented north and south, they're
21 now laid out east to west. I don't -- I don't feel
22 that's in any way, shape or form a change in the
23 proposed use, just a change in the layout.

24 ATTORNEY HURSH: Nick, did you do studies

1 as to the amount of water runoff and the retention
2 area that's going to be --

3 MR. BECKER: Yeah. That's part of the
4 preliminary design. That's where we're at now at a
5 point where we feel is appropriate for a zoning --
6 the zoning review. As noted by the County engineer,
7 full design calculations will be part of the full
8 site plan. They'll get a chance to review those,
9 and no building permit will be issued until he finds
10 our design to be acceptable. I'm sure stormwater
11 detention is going to be something he's going to
12 focus on.

13 So, yes, this is the -- the layout is
14 adequate for the stormwater detention area. That's
15 the intent of the design.

16 ATTORNEY HURSH: As far as lighting
17 issues, all the conditions are very acceptable. We
18 have no problems with the conditions that have
19 been -- been added, you know, some of them are kind
20 of obvious, you have to comply with regulations and
21 ordinances and building codes and all that kind of
22 stuff.

23 With regard to the specific one about
24 water and sewer, there's not going to be a need for

1 septic or water. That's not a part of this plan.
2 Any office will be run from the neighboring property
3 with Hammertime, so there wouldn't be an office
4 space on here that would need a toilet or water.

5 As for the other criteria for the
6 granting of a special use, I think that Hilary has
7 done a good job. That's part of the evidence being
8 presented here today. We would ask that you
9 consider that as well as part of the evidence. I
10 guess I would ask Hilary a couple of questions with
11 regard to the findings of fact. Nothing hard, just
12 to make sure that we have it in the record. And
13 that is, Hilary, you followed all normal procedures
14 when putting together the findings of fact; is that
15 correct?

16 MS. ROTTMANN: That is correct.

17 ATTORNEY HURSH: And you did an
18 investigation on the property and on the issues; is
19 that correct?

20 MS. ROTTMANN: That is correct.

21 ATTORNEY HURSH: And the findings of fact
22 that you presented here today are what you came up
23 with and true and accurate, to the best of your
24 knowledge?

1 MS. ROTTMANN: That is correct.

2 ATTORNEY HURSH: I would like to present
3 one more letter as an exhibit for entry into the
4 record regarding property values of Anderson Woods
5 or neighboring properties. It does seem that
6 property values always become part of a focus of
7 this. I reached out to Advantage Appraisal, an
8 appraiser here in town, Brad Fidder, to put together
9 something as best as he could as to how he thought
10 this might affect -- this project might affect the
11 homeowners at Anderson Woods.

12 As you can tell from the letter, he
13 doesn't envision how it would do any -- have any
14 affect on their property value. It certainly
15 wouldn't decrease their property values from this
16 project. It's pretty low impact as far as business
17 or industrial or commercial. As far as traffic
18 flows, IDOT had no -- no problem with it. I mean,
19 it's self-storage. Not everybody is going to be
20 there all at once. It's not apartment buildings or
21 a business that's going to be in the business of
22 selling things, having people coming and going all
23 day. There may be days nobody's there; there may be
24 days you may have five to ten people show up

1 throughout the day, hardly ever all at once. So
2 there really shouldn't be any traffic concerns in
3 that regard.

4 I'll be happy to answer any
5 questions.

6 MR. VANLAAR: Does the board have any
7 questions for the Applicant? Okay. Steve?

8 MR. SCHABACKER: Yeah. Jim, under special
9 use, the chunk of ground to the east, I see that's
10 part of this drawing right now, the layout?

11 ATTORNEY HURSH: The part -- the property
12 to the east that is now in row crop?

13 MR. SCHABACKER: Yes.

14 ATTORNEY HURSH: If that's what the
15 engineer handed you, then that is part of it. I
16 will tell you, we would probably have to come back
17 for a continued special use. I will also tell you
18 that I represent the seller of that property, and
19 that seller is, in fact, selling to Mr. Hammer. We
20 have a contract in place, probably going to close on
21 that, certainly by the end of September. So it will
22 be -- it will be owned by the same Applicant. He
23 wanted to try and get going on the project. He's
24 going to start furthest to the west and move to the

1 east on the project. And, again, we understand we'd
2 have to come back and make that happen --

3 MR. SCHABACKER: To include this --

4 ATTORNEY HURSH: -- if it turns out -- I'm
5 sorry. To include it, yeah. If in fact --

6 MR. SCHABACKER: The application doesn't
7 show that, am I correct?

8 ATTORNEY HURSH: The application is only
9 concerned with the outlying red behind you.

10 MR. SCHABACKER: Right.

11 ATTORNEY HURSH: And that is correct. It
12 does not include this parcel at this time.

13 MR. SCHABACKER: All right. Thank you.

14 ATTORNEY HURSH: Uh-huh. (Affirmative
15 response.)

16 MR. VANLAAR: Anything else? Any other
17 questions that you guys have for the Applicant?

18 (No response.)

19 MR. VANLAAR: I have one or a couple.

20 ATTORNEY HURSH: Certainly.

21 MR. VANLAAR: In the -- in the special
22 use, if this is -- if this is granted, it goes
23 through the County and it is granted, does your
24 client have any items that he will not allow in

1 these -- in these storage units, such as
2 automobiles, things like that that I'm thinking of?

3 ATTORNEY HURSH: Good question. There
4 would be no -- obviously no storing of toxic
5 materials or any type of materials such as oils and
6 things like that that can cause corrosion, that type
7 of thing. As far as automobiles, I'd have to let
8 Spencer answer that. I'm not sure they'd be big
9 enough for an automobile.

10 MR. HAMMER: Yeah, I wouldn't have any
11 restrictions on automobiles. That would be just
12 like storing an ATV or household goods. I mean,
13 it's not going to damage the unit. As Jim stated,
14 toxic material will affect that stuff. I would not
15 want that in.

16 MR. VANLAAR: Okay. Then how would you
17 guarantee that there would be no oil runoff from
18 like an automobile leaking, or a, you know, any type
19 of vehicle that way?

20 MR. HAMMER: Well, I can't say I can't
21 guarantee that, but I do have two other storage
22 facilities, and we've had no issues. We're
23 constantly checking to make sure if there was an oil
24 leak, it would be very obvious upon inspection. And

1 being that I will be at that facility, there will be
2 a daily check.

3 MR. VANLAAR: Daily check.

4 MR. HAMMER: Absolutely. I drive through
5 the property daily more than once already, and I
6 don't even have storage units there. So if there
7 was an oil leak, I would see it is what I'm saying.

8 MR. VANLAAR: Sure. Sure.

9 MR. HAMMER: It would be very obvious.

10 MR. VANLAAR: Okay.

11 MR. HAMMER: But I've never had an oil
12 leak yet, so, and it's been over 20 years.

13 MR. VANLAAR: Yeah, that was my, one of my
14 main concerns, because I've seen some of these
15 storage units, some storage facilities become a
16 hazard due to poorly maintained vehicles in these
17 units.

18 MR. HAMMER: And when I say a daily check,
19 I don't mean going into the unit, but, I mean, if
20 there was an oil spill, it would be very apparent,
21 so . . .

22 MR. VANLAAR: Okay. Anything else from
23 the board?

24 (No response.)

1 MR. VANLAAR: Now, to the audience. This
2 is not your time for public comment. Your time for
3 public comment will come, but if you would like to
4 cross-examine what's been said, you want to ask
5 questions regarding what's been said, clarification
6 on what's been said, but to present evidence or to
7 present opinion, this is not quite the forum or not
8 quite the time to do so. So if you guys have -- if
9 there's anybody out there that would like to
10 cross-examine, this is your time that you can
11 cross-examine the Applicant at this time. I'd ask
12 you to step up to this -- to the first mic over here
13 (indicating) on the side.

14 (No response.)

15 MR. VANLAAR: I see no one wanting to
16 cross-examine the Applicant. Anything else from the
17 board before we let him sit down?

18 MR. BEYER: Mr. Chairman?

19 MR. VANLAAR: Yes.

20 MR. BEYER: I have a couple questions, but
21 they're for Hilary, not the Applicant. Is this an
22 appropriate time for clarification from her?

23 MR. VANLAAR: I did miss that point,
24 because I went on right from us asking Hilary to the

1 Applicant to stand up, so at this point, let's --
2 I'll let you guys sit down, and then we will allow
3 you guys to come up and to get some clarification
4 from the planning staff. Yeah, you can step over
5 here (indicating), too, it's empty.

6 State your name and address for the
7 record.

8 MR. BEYER: William Beyer, 2541 Anderson
9 Drive, Belvidere.

10 MR. VANLAAR: Okay. And I will ask you to
11 swear in, just in case you present some opinion or
12 something like that, okay?

13 MR. BEYER: Yep.

14 WILLIAM BEYER,
15 having been first duly sworn, was examined and
16 testified as follows:

17 MR. VANLAAR: Very good.

18 MR. BEYER: Thank you for the opportunity
19 to speak and ask questions. We're having a little
20 difficulty hearing back there.

21 MR. VANLAAR: Yes.

22 MR. BEYER: I just want to clarify. What
23 I thought Hilary say from the staff perspective, a
24 couple of things. There was not a soil and water

1 report done, and they apparently didn't see a need
2 for that. I wonder if they consider stormwater
3 runoff and drainage as part of their purview when
4 they determine whether or not they need to do a
5 report on a case?

6 MS. ROTTMANN: I kind of more rely on our
7 engineer to do that perspective versus soil and
8 water. I'm not necessarily sure what Jennifer
9 stated that -- or why she stated that she didn't
10 feel the need to go into more depth about the
11 drainage.

12 MR. BEYER: Because the reason I ask is,
13 obviously, I think you're going to hear a lot more
14 about drainage as you go on through the rest of the
15 meeting, but I wondered if that was part of the
16 purview that she should be looking at as well, and I
17 just wanted to get that clarified.

18 MS. ROTTMANN: My understanding is that
19 the use of the property didn't trigger any questions
20 for her.

21 MR. BEYER: Okay.

22 MS. ROTTMANN: For it to be utilized as a
23 self-storage facility didn't trigger her to feel the
24 need to do an entire natural resources report.

1 MR. BEYER: Okay. And then my second
2 question would be, I thought I heard you say that
3 staff recommended that paving be either concrete or
4 blacktop.

5 MS. ROTTMANN: That's correct.

6 MR. BEYER: And I wondered if you guys had
7 considered a more permeable solution that would
8 allow for absorption and help with the groundwater
9 runoff issues rather than concrete or blacktop;
10 something that would absorb water, whether it's
11 porous pavers or compacted gravel. Did you consider
12 other alternatives, or is concrete or blacktop kind
13 of the default for this?

14 MS. ROTTMANN: I don't know -- Andrew? I
15 feel like we chose that just because it would be
16 more traffic related. People would be coming and
17 going.

18 MR. BEYER: People? It's a low traffic
19 area. It's a self-storage area.

20 MS. ROTTMANN: I -- well, that's why we
21 wanted it to be paved of some -- a paver of some
22 sort from that aspect of it.

23 MR. BLISS: Yeah, I'm not really sure
24 that's an issue that I looked at, Hilary. I looked

1 at it with respect to the building codes. When it
2 comes to water runoff, drainage issues, we always
3 defer back to our County highway engineer. He's the
4 one that handles those issues.

5 MR. BEYER: Is that maybe something that
6 staff could revisit after maybe they hear other
7 concerns about water runoff and control and revisit
8 whether that's still the best solution in light of
9 additional concerns that may come up?

10 MS. ROTTMANN: Absolutely. So if
11 approved, the Applicant for both the variance and
12 the special use have to go through an approval
13 process through all of the other departments. So
14 they could provide -- after additional information
15 is provided, based on submitting a permit for some
16 sort, could change and alter. This is -- more of
17 the proportion of this, you know, is this land use,
18 you know, a good choice or not. So when it gets
19 more into like the technical nitty-gritties of, you
20 know, building and stormwater, that comes
21 afterwards, more of a review.

22 MR. BEYER: Thank you for your patience.

23 MR. VANLAAR: Certainly if this was any
24 type of a floodplain area or a wetland, soil and

1 water would be definitely involved. So I think it
2 may most likely looked at the topographical maps and
3 saw that this was -- a wetland type of a situation
4 was not apparent.

5 MR. SAVINO: Can I add something to the
6 drainage, too --

7 MR. VANLAAR: Yes.

8 MR. SAVINO: -- so that everybody knows?
9 When they go in for the permit, like Nick I believe
10 it was talking about the new drawing, they will have
11 to submit a drawing to the County engineer showing
12 where all the water that they're creating -- say
13 they make a blacktop surface, and they're going to
14 do calculations of how much water that's going to
15 be, they're going to have to show how they're going
16 to handle that water so it doesn't flood out the
17 neighbors behind and to the side, too, so . . .

18 MR. VANLAAR: Any other questions at this
19 time for the staff since I had forgotten that? Did
20 you have another one, sir?

21 MR. BEYER: Yeah, I hate it to be me
22 again.

23 MR. VANLAAR: That's okay. This is what
24 the public hearing is for.

1 MR. BEYER: Okay. I guess in reply to
2 your last remark -- and if this is the wrong part of
3 the meeting, I should be making the comments at the
4 variance, I'll do that -- but when you talk about
5 the drainage and the study, you all have comments, I
6 think, by Bill Beyer, and you've got a presentation
7 I put together. And that was largely based on my
8 concern that an existing bad situation is not made
9 even worse by another poor design. The retention
10 pond that was put in behind the Hammertime expansion
11 that was done in the mid 2000's is drastically
12 undersized. And I understand they do a calculation
13 of water. And I suspect they did a perfect job of
14 accounting for the water that fell on the parking
15 lot and the buildings and forgot all about the
16 48-inch pipe that comes under East State Street
17 there and drains all of that agricultural land,
18 because that comes right underneath their parking
19 lot and right through the middle of our subdivision.

20 MR. VANLAAR: Bill, could I ask you to --
21 yeah, that is more from a special use standpoint --
22 or the variance standpoint.

23 MR. BEYER: I'd be glad to.

24 MR. VANLAAR: If you could save that for

1 the record at that time.

2 MR. BEYER: You bet. I'd be glad to.

3 MR. VANLAAR: Very good.

4 Anyone in the audience that would
5 like to speak in favor of this special use?

6 (No response.)

7 MR. VANLAAR: Anyone in this audience that
8 would like to speak against or not in favor of
9 storage units on this property? Not necessarily
10 runoff, not necessarily the landscaping, not
11 necessarily this I-20 corridor overlay, but strictly
12 the use of this property being used by storage
13 units?

14 MS. KRUMM: Speak now.

15 (No response.)

16 MR. VANLAAR: Very good. Now it's back to
17 us.

18 MS. KRUMM: Do you want to close the
19 public hearing? Do you want that?

20 MR. SAVINO: Before we close, was there
21 any other questions maybe for the Applicant?
22 Anything else to talk about?

23 MR. VANLAAR: Or would we want to discuss
24 something before we close it, because many times we

1 close it and there's discussion, and it puts us in
2 an awkward position questioning the Applicant after
3 the public hearing is closed. So I really would not
4 like to fall into that temptation.

5 MS. KRUMM: Well, I would like to speak to
6 that, because some of these questions are going to
7 come up in the -- while we're talking, and you're
8 going to wish you said something, folks. So you're
9 here. This is your chance. This is a public
10 hearing. And we want to hear what you have to say.
11 So if you have anything to say, plus or minus, now
12 do it, because later on, you're going to wish you
13 had, I think.

14 MR. VANLAAR: I would like to ask the
15 board, basically the question that we have before
16 us, we have this new drawing that you guys see on
17 this piece of paper before us. Do you guys see any
18 reason why the -- a proposed use of a storage
19 facility, why it would be good or applicable here,
20 or why it would not be applicable here? It's more
21 of an aerial view behind us.

22 MR. SAVINO: I don't think it's
23 necessarily a bad use for it. It's right next-door
24 to Hammertime Sports, which people have their ATV's,

1 boats, I'm sure, in some of these units. There is
2 some residential around there. It's not a high
3 traffic type business. So I think being closer to
4 houses, I don't think would be terrible to that.
5 There's a lot of conditions with the lighting, the
6 landscaping has to block it off still from the
7 subdivision. It would be better than seeing the
8 foundation that's been sitting there for 15 years or
9 12 years or whatever.

10 MR. VANLAAR: My concern I had already
11 brought up, and it was answered to my satisfaction,
12 yet I think it would be good to include that in a
13 condition --

14 MR. SAVINO: What's that?

15 MR. VANLAAR: That no toxic material would
16 be stored on the premises.

17 ATTORNEY HURSH: That's acceptable.

18 MR. RHODE: And you're considering
19 gasoline and oil are not toxic if they're in the
20 vehicle?

21 MR. SAVINO: I mean --

22 MR. RHODE: Everything is toxic --

23 MR. SAVINO: Yeah, right. Isn't plastic
24 toxic? I mean, where do you -- I get it. I don't

1 know where to stop with that. I guess I'd just
2 leave that one alone. There's state statutes on
3 what you can and can't store at your house, so I
4 don't know if you'd be diving into, you know, leave
5 it alone, let the state -- what is toxic, like you
6 said. I mean, my styrofoam cup --

7 MR. RHODE: Yeah, let's keep speaking into
8 our mics.

9 MS. ROTTMANN: Maybe waivers signing or
10 maybe, you know, business-wise they need to have
11 those already in the applications in there.

12 MR. VANLAAR: Signing for a lease of a
13 storage unit. I don't know if Spencer would have
14 that in his -- in his -- I think she wants us to
15 speak on top of the mic.

16 MS. ROTTMANN: Yeah. Okay. Sorry.

17 MR. SAVINO: It feels like you're kissing
18 the mic when you talk that close, so we just slowly
19 keep backing away.

20 MR. VANLAAR: I would entertain a motion
21 to close the public hearing.

22 MS. KRUMM: So moved.

23 MR. VANLAAR: Motion by Krumm to close the
24 public hearing.

1 MR. SAVINO: Second.

2 MR. VANLAAR: Second by Savino. Any
3 discussion?

4 (No response.)

5 MR. VANLAAR: All those in favor say aye.

6 (Whereupon, the ayes were heard.)

7 MR. VANLAAR: All those opposed?

8 (Whereupon, no nays were heard.)

9 MR. VANLAAR: The public hearing is
10 closed.

11 Now before us are the findings of
12 fact. If you guys see those all in order, if you
13 do --

14 MS. KRUMM: What page are those on?

15 MR. VANLAAR: Page -- I believe it starts
16 on page 66.

17 MS. KRUMM: Okay.

18 MR. VANLAAR: Do I have a motion to accept
19 the findings of fact?

20 MR. SAVINO: I make a motion to approve
21 the findings of fact.

22 MS. KRUMM: Second.

23 MR. VANLAAR: Motion by Savino; second by
24 Krumm.

1 MR. SAVINO: Can we have discussion?

2 MR. VANLAAR: Any discussion?

3 MR. SAVINO: Yeah, on -- under the
4 recommendation, under the summary findings of
5 recommendation, number four where it talks about the
6 Applicant shall install a landscaping screen. Is
7 the letter "A" there where it says, the tree
8 plantings shall be selected, is that something in
9 our code, or is that something that you came up
10 with?

11 MS. ROTTMANN: That's something that we
12 have utilized on multiple special use applications.

13 MR. SAVINO: Okay.

14 MR. SCHABACKER: The Applicant said he
15 didn't have a problem with the landscaping, so
16 that's a go.

17 MR. VANLAAR: Bill did bring up a point
18 regarding porous material, that in itself, I think,
19 would be more applicable here than actually in a
20 variance just because it is a -- it is specific to
21 this use. Do we want to discuss the porous material
22 versus concrete/asphalt?

23 MR. SAVINO: Drew might know. I thought
24 it had to be concrete asphalt for a business, and

1 maybe it doesn't. I understand with the permeable,
2 say it was gravel, you allow a little bit more water
3 to sink in, but then I think of snowplowing in the
4 winter, you know, doing gravel between the
5 buildings, pushing, there's going to be piles of
6 gravel. To me it seems more of a mess. And it
7 seems like the County engineer, if he looked at
8 that, and I know they don't have much confidence
9 right now in engineering, but I think that can be
10 reiterated, and I think that would be more of an
11 issue this time for him to look at it, and does the
12 pond need to be deeper or whatever to take that
13 water that's not going to be soaked in. Because it
14 dries out in the summertime, we have a dry summer,
15 now it gets dusty if it's all gravel. Is dust going
16 to be more of an issue?

17 MR. VANLAAR: A few months ago we had a
18 special use regarding Gordon Food Service trucks
19 being parked at the quarry, and that also became an
20 issue, porous versus nonporous. And I think at that
21 time, we had -- we saw pros and cons for each. It
22 was kind of a -- it was very difficult to really put
23 your finger on the actual best way of securing a
24 driveway that would allow runoff, wouldn't allow

1 runoff, toxic versus nontoxic, stuff like that. So
2 it's difficult. And I just wanted to throw that out
3 there to see if the board had any words of wisdom or
4 anything that they would want to add.

5 MR. SAVINO: Do you remember on the Gordon
6 Foods, was that -- they were asking to not pave it,
7 because it already is gravel. And we talked about
8 the paver.

9 MR. VANLAAR: We talked about paving, and
10 they asked not to pave it.

11 MR. SAVINO: So is that already a code
12 that it has to be paved and they were asking at that
13 point for it not to be?

14 MR. BLISS: Yeah, as that case moved
15 forward, there was some modifications made and
16 recommendations made by Justin Krohn. His feeling
17 was by actually paving the sections where the trucks
18 were going to be parked, they were actually
19 providing the mechanism to get any contaminants to
20 the sensitive areas quicker. And there was a
21 concession made with where if there were a spill,
22 the Applicant or the operator of the parking area
23 would have, you know, quick drying material, just
24 clean the mess up where it is as opposed to have

1 paving, and rains flushes everything down the
2 street.

3 MR. SAVINO: And do you know what the --
4 is it a code that it has to be a permeable surface,
5 concrete, asphalt --

6 MR. BLISS: I'm looking at that while this
7 has been going on here, and in the section for
8 parking, it talks about construction and surfacing,
9 and it does talk about -- I'll paraphrase here.
10 Parking area shall have less than two-and-one-half
11 inches of bituminous surface course. It has
12 criteria in here, but interestingly, the last one it
13 talks about alternative pavement materials and
14 quote, unquote, green construction methods may be
15 used if in the County engineer determines that the
16 minimum requirements for traffic weight, stormwater,
17 drainage and maintenance will be met. It sounds to
18 me like there's some latitude with the County
19 highway engineer on materials. I do know from past
20 experience with our previous County highway
21 engineer, he was not opposed to having gravel
22 parking areas for that reason, you were creating
23 less runoff. I can't speak for how our new County
24 engineer may view it, but just -- it seems like

1 there's, at least, some latitude; however, as Tony
2 had said, this is part of the overall design of the
3 parking area, that regardless of what materials are
4 used, they have to show that they're not going to
5 create a problem downstream.

6 MR. VANLAAR: Anything else regarding the
7 findings of fact? We're still on that discussion.

8 MR. SAVINO: As far as I go, as far as the
9 surface, whether it be gravel or paved, it almost
10 seems like it can go either way, and it's really up
11 to the engineer, the County engineer. I don't know
12 that we should be adding anything. I would almost
13 leave it as it is.

14 MS. KRUMM: Leave it without.

15 MR. SAVINO: Any language -- yeah.

16 MS. KRUMM: Where was that language?

17 MS. ROTTMANN: It's number six on page 67.

18 MS. KRUMM: Okay.

19 MS. ROTTMANN: Let me know if you're
20 Cosmetically paved is going to look better along the
21 US 20 corridor. Cosmetically, it just -- it will --
22 it will make Belvidere --

23 MS. KRUMM: What page?

24 MR. VANLAAR: Page 67, Joan.

1 MS. KRUMM: Oh, here it is.

2 MR. VANLAAR: In my opinion, it
3 cosmetically, like I said, cosmetically it will make
4 it look better. You will have less dust. And if
5 there's any north wind with the dust, then, of
6 course, it flows into the -- it flows into the
7 subdivision. So it's -- go ahead.

8 MR. BLISS: In the design criteria, it
9 does talk about that it shall be an all-weather,
10 dust-free surface and shall be sub graded and
11 drained as to dispose of surface water accumulation
12 by means of a positive stormwater drainage system.
13 But -- yeah, there's criteria in here that it
14 appears to me encourages it being paved, but then
15 there's also the section at the end that maybe gives
16 some latitude.

17 MR. VANLAAR: So do we want to rephrase
18 six, say all traffic areas are encouraged to be
19 paved with asphalt or concrete or just say -- or
20 just leave it?

21 MS. KRUMM: Leave it. Get rid of it.

22 MR. RHODE: I say just leave it the way it
23 is.

24 MS. KRUMM: You want concrete and asphalt?

1 MR. RHODE: I don't see where it says
2 that.

3 MS. KRUMM: Six, at the bottom of the
4 page.

5 MR. SAVINO: Under the recommendation,
6 page 6.

7 MS. ROTTMANN: Number six.

8 MR. SAVINO: Or just add unless, you know,
9 changed by -- unless recommended differently by the
10 County engineer.

11 MS. KRUMM: Yeah, just say --

12 MS. ROTTMANN: Number -- number two kind
13 of carries that phrasing in it, that a full site
14 plan review will need to be administered by all
15 appropriate agencies; those agencies shall approve
16 the site plan or required amendments before
17 construction. I don't know if you feel like that is
18 suffice or not. You can add whatever --

19 MR. VANLAAR: See, the County engineer
20 takes its first stab at calculations regarding a
21 hard surface, and the surface runoff plus the large
22 pipe that Bill was talking about would not -- the
23 retention pond would not be large enough. Then --
24 then this special use is no good.

1 MS. KRUMM: Because of number six?

2 MR. VANLAAR: Because of number six.

3 MS. KRUMM: Why don't we just take number
4 six out or just say --

5 MR. VANLAAR: I would like to encourage
6 it, just because it -- I would like the first stab
7 at it with the hard surface just because it's
8 cleaner.

9 MR. SAVINO: Sure. So if you leave it in
10 there, do you want to add any language unless the
11 County engineer says no?

12 MS. KRUMM: Just say it needs to be
13 approved by him.

14 MR. VANLAAR: Unless the County engineer
15 decides differently.

16 MR. SCHABACKER: Number two covers that.
17 Number two covers that with the engineer.

18 MS. KRUMM: Not if you say concrete or
19 asphalt.

20 MR. VANLAAR: Not if you say number six,
21 all traffic areas shall be paved.

22 MS. KRUMM: Right. If you're going to
23 have six in there, you might as well say, all
24 traffic areas shall be determined by the County

1 engineer. Let him decide rather than say what it
2 has to be, because if he says that's not good --

3 MR. SAVINO: Well, we're trying to
4 encourage the asphalt.

5 MS. KRUMM: I understand what we're trying
6 to do.

7 MR. SAVINO: What did you say? What would
8 you do with number six, Joan?

9 MS. KRUMM: I would just say if it's a
10 problem we don't know, then I would leave it up to
11 the County engineer to decide, because we don't
12 know.

13 MR. SAVINO: But what if the County
14 engineer says I don't know care if it's asphalt or
15 gravel?

16 MS. KRUMM: Then the petitioner gets to
17 decide what he wants. The petitioner knows what we
18 want.

19 MR. SAVINO: What do we want?

20 MS. KRUMM: Asphalt or concrete, isn't it?
21 I agree with on the gravel --

22 MR. SAVINO: That's what I wanted to see.
23 I would agree. Okay. Can I amend my motion?

24 MS. KRUMM: Sure.

1 MR. SAVINO: I'd make a new motion to
2 approve the findings of fact with the change under
3 the recommendation number six, all traffic areas
4 shall be paved with asphalt or concrete unless the
5 County engineer says differently -- recommends
6 differently.

7 MS. KRUMM: Second.

8 MR. VANLAAR: Motion by Savino. Seconded
9 by Joan or Krumm. Any further discussion? This is
10 accepting the findings of fact with the altered or
11 the amended number six of the recommendation.

12 All these in favor say aye?

13 (Whereupon, the ayes were heard.)

14 MR. VANLAAR: All those opposed?

15 (Whereupon, no nays were heard.)

16 (No response.)

17 MR. VANLAAR: Motion carries.

18 MR. SAVINO: I agree number two covers
19 since we're making a separate statement.

20 MR. VANLAAR: Do I have a motion to accept
21 the special use?

22 MS. KRUMM: I will recommend that we
23 accept it. Case 15-2017.

24 MR. VANLAAR: Motion by Krumm.

1 MR. SAVINO: Second.

2 MR. VANLAAR: Second by Savino. Any
3 further discussion?

4 (No response.)

5 MR. VANLAAR: Roll call.

6 MS. ROTTMANN: Savino?

7 MR. SAVINO: Yes.

8 MS. ROTTMANN: VanLaar?

9 MR. VANLAAR: Yes.

10 MS. ROTTMANN: Schabacker?

11 MR. SCHABACKER: Yes.

12 MS. ROTTMANN: Rhode?

13 MR. RHODE: Yes.

14 MS. ROTTMANN: Krumm?

15 MS. KRUMM: Yes.

16 MR. VANLAAR: Motion carries. Special use
17 moves on to PZB.

18 Case No. 16-2017. A variance. And as
19 we heard through testimony under Case No. 15-2017
20 with the new layout, there was a variance that was
21 possibly not in consideration anymore; is that
22 correct?

23 ATTORNEY HURSH: That's correct. The
24 reference to landscaping that I made, we were trying

1 to avoid having to put in shade trees in the parking
2 area to be very honest with you. And that sometimes
3 is what happens is they require that you have shade
4 trees in the parking area and that counts towards
5 your 20 percent. This is a self-storage facility.
6 We don't want people to have to back around trees or
7 into trees or things like that. That was the only
8 reason for that. The open space and the water
9 retention along with the screening will be
10 20 percent or more of that. So we would withdraw
11 that portion.

12 MR. VANLAAR: So for the record,
13 Mr. Hammer will abide by the 20 percent or more
14 landscaping for this particular I-20 corridor?

15 ATTORNEY HURSH: Yeah, we will comply with
16 the US 20 overlay corridor requirements of
17 landscaping and open space, yes.

18 MR. VANLAAR: Very good.

19 Hilary, could you please go through the
20 summary of 16-2017.

21 MS. ROTTMANN: All right. So the
22 Applicant, Spencer Hammer, 2252 Anderson Drive,
23 Belvidere, Illinois, is requesting a variance under
24 the lot development standards of the zoning district

1 to allow a 30-foot front yard setback under
2 subsection 3.14 and an appeal from the land -- well,
3 strike that. Not an appeal from the landscaping,
4 but an appeal from the building design criteria,
5 parking requirements for the self-storage unit at
6 2519 US 20 in unincorporated Belvidere Township.
7 Sorry about that.

8 The existing land use for the subject is
9 vacant/vehicle storage. Adjacent properties to the
10 north are agricultural/row crop and agricultural
11 residential. To the east, row crop. South,
12 residential. West, recreational vehicle storage.

13 The current zoning for the subject
14 property is B-2, with the US 20 corridor overlay to
15 the north. A-1 agriculture with the US 20 corridor.
16 East and west is B-2, general business district, and
17 US 20 corridor. And to the south is R-1,
18 single-family residential.

19 The comprehensive plan states for the
20 subject and adjacent properties. The subject
21 property, a neighborhood business. North, to be
22 mixed residential. East, neighborhood business.
23 South, single family, and west, institutional.

24 As we stated before, this property was

1 used as a factory by Franklin Wire Works prior to
2 the fire in 2002. It is currently vacant. The
3 Applicant has applied for a variance from the B-2
4 zoning district development standards to reduce the
5 front yard setback feet from 75 feet to 30 feet and
6 then an appeal from the US Route 20 overlay district
7 to approve the deviation from exterior construction
8 material and to allow for parking in the front yard
9 of the lot.

10 The building west of this property is
11 the location of Hammertime Sports. They were built
12 and their current uses were established prior to the
13 adoption of the US Highway 20 corridor overlay
14 district which was adopted in 2008. US Highway 20
15 Corridor Overlay District is an additional zoning
16 district that requires specific development
17 standards for properties lying within the 1/4 mile
18 of the U.S. 20 and Business 20 route.

19 Other planning considerations: Soil and
20 water has determined that the review does not apply.

21 The County engineer states that the
22 Applicant should provide calculations on the sizing
23 of the detention pond. The sizing and discharge
24 rate requirements are in the County Ordinance.

1 The Illinois Department of
2 Transportation had no objections.

3 Drew Bliss said no objections.

4 And the health department has no
5 objections to the variance request.

6 There is little to no development over
7 here for the trend. And the comprehensive plan
8 states neighborhood business as a residential,
9 office, and neighborhood supporting institutional
10 and commercial uses which preserve the residential
11 character through building scale, building
12 appearance, landscaping and signage.

13 Findings of fact: The particular
14 physical surroundings, shape or topographical
15 conditions of the subject property involved would
16 not result in a particular hardship upon the owner
17 as distinguished from mere conveniences, if the
18 strict letter of regulations were carried out.

19 The lot was created in the early 1980's
20 when there were less specific lot requirements for
21 zoning districts. The property meets all the zoning
22 district lot development standards, and there is an
23 area within the 2.8 area parcel to locate
24 self-storage units without a variance. The shape

1 and topographical conditions limit the ability to
2 incorporate all the design criteria of the US 20
3 overlay district and develop the lot.

4 The conditions upon which the petition
5 for a variance is based on would not be applicable,
6 generally to other property within the same zoning
7 districts.

8 Many property owners in the B-2 general
9 business district are able to meet the lot and
10 design criteria without variances. The property
11 lacks depth and has a wide front yard area. The B-2
12 requires a lot to have a minimum 75 foot setback
13 from the state, county or township highway
14 right-of-ways. Lot frontage requirements are more
15 restrictive, utilizing this lot to the best of its
16 ability with the current adopted requirements would
17 be difficult. This property is unique and not
18 something that all property owners have to deal with
19 within the same zoning district.

20 The proposed variation is not based
21 exclusively upon the desire to make more money out
22 of the property.

23 The Applicant wishes to construct a
24 self-storage facility to coincide with his other

1 business of recreational vehicle sales. The
2 variation will allow for more storage units and
3 easier access instead of allocating space for design
4 requirements.

5 Number four. The owner of the property
6 has not created the alleged difficulty or hardship.

7 Planning staff is of the opinion that
8 the Applicant has not created the alleged difficulty
9 or hardship of the lots shape and topography. This
10 use is permitted as a special use within the zoning
11 but deviating from design criteria is unharmonious
12 with the US corridor overlay district but the lots
13 shape does limit the ability to abide by all design
14 standards.

15 Number five. Granting the variance will
16 not be detrimental to the public welfare or
17 injurious to other property or improvements in the
18 neighborhood in which the property is located.

19 Planning staff does not see this
20 variation as detrimental or injurious to other
21 surrounding properties. The Applicant owns the
22 business directly west of the proposed self-storage
23 facility.

24 Number six. The proposed variance shall

1 not impair an adequate supply of light and air to
2 the adjacent property or substantially increase the
3 congestion in the public streets or increase the
4 danger of fire, endanger the public safety or
5 substantially diminish or impair the property values
6 within the neighborhood or adversely affect the
7 health, morals or general welfare of the public.

8 The new structure is not anticipated to
9 substantially increase congestion, endanger others,
10 or diminish light and air from adjacent properties.

11 Number seven. The potential public
12 benefits of the variance outweigh any potential
13 adverse impacts of the variation after taking into
14 consideration the Applicant's proposal and any
15 required recommendations.

16 The variance benefits outweigh adverse
17 impacts and recommendations have been added to
18 alleviate concerns.

19 Recommendation. The planning staff
20 recommends the approval of Case 16-2017 with the
21 following conditions:

22 Number one. A full site plan review
23 will be needed -- need to be administered by all
24 appropriate agencies; those agencies will approve

1 the site plan or require amendments before
2 construction or use of the property as a
3 self-storage facility.

4 You're omitting part of number one -- or
5 number two. Landscape screen for the facility from
6 residential properties located on the south side of
7 the property is required.

8 Tree plantings shall be selected for
9 their visibility and screening qualities.

10 Number three. Approval of metal
11 paneling as an acceptable building material used to
12 construct the self-storage facility.

13 All metal panels used shall be entirely
14 coated with a colorfast, abrasion and corrosion
15 resistant, long-life finish that is resistant to
16 chemicals, withstands temperature extremes and has a
17 low permeability. Any materials utilized to attach
18 the metal panels to the building shall be concealed
19 or the utilization of shadow panels or
20 semi-concealed fastener panels with fasteners
21 painted to match the panels shall be required.

22 Number four. Removal of restriction on
23 front yard parking. All traffic areas shall be
24 paved with asphalt or concrete and abide by all

1 parking and paving requirements.

2 Number five. Approval of front yard
3 setback from 75 feet to 30 feet.

4 And number six. Compliance with all
5 other applicable local, state and federal laws,
6 rules and regulations.

7 MR. VANLAAR: Do we have any questions
8 from the board for planning staff? Yes, Joan.

9 MS. KRUMM: Okay. On number two, you're
10 just going to leave the first sentence in, tree
11 plantings shall be selected for their visibility
12 screening qualities? How much are you going to
13 leave in and take out?

14 MS. ROTTMANN: So I'm just going to say, a
15 landscaping screen is required for the facility for
16 residential properties located on the south side of
17 the property of -- facility from residential
18 properties located on the south side of the property
19 is required. So the same as the last.

20 MS. KRUMM: You're going to tell them
21 about two rows of eight-foot and ten-foot --

22 MS. ROTTMANN: Yeah, all of that is going
23 to stay.

24 MS. KRUMM: So what's not going to stay?

1 MS. ROTTMANN: Just the first, approval is
2 granted for waiving the 20 percent of the site
3 allocated for landscaping standard. So that's the
4 only line I'm omitting.

5 MS. KRUMM: You're eliminating that?

6 MS. ROTTMANN: Just half of the first
7 sentence.

8 MS. KRUMM: Okay. Okay. I understand.
9 Thank you.

10 MS. ROTTMANN: Yep.

11 MR. VANLAAR: Anyone else from the board?

12 MR. SAVINO: I have a question for staff.
13 The new plan they just gave us, you haven't seen it
14 until tonight either?

15 MS. ROTTMANN: Yes.

16 MR. SAVINO: It says 45-foot setback now,
17 so I don't know, I guess when the Applicant gets up
18 there we'll ask him about the move from 30 to 45.
19 But, I mean, the 30-foot setback seems awful close
20 to me. Is there anything else in the area or
21 anything else in the corridor that you know of that
22 is 30 feet?

23 MS. ROTTMANN: Not that I'm aware of.

24 MR. SAVINO: Okay. In your opinion is it

1 close?

2 MS. ROTTMANN: In my opinion it was close.
3 I had asked our representative from IDOT who didn't
4 seem to be very concerned about it. So, therefore,
5 made me less concerned about it.

6 MR. SAVINO: Okay.

7 MR. VANLAAR: Anything else from the
8 board?

9 (No response.)

10 MR. VANLAAR: I had the same, the 45-foot.
11 We'll get clarification on that, Tony.

12 Anything from the audience that they
13 would want to ask the staff at this point?

14 (No response.)

15 MR. VANLAAR: Seeing none. Let's -- let's
16 once again, let's ask the Applicant to step up, and
17 we will swear you in once again for the record for
18 this particular case.

19 ATTORNEY HURSH: Again, Jim Hursh on
20 behalf of the Applicant. 321 West State Street,
21 Rockford, Suite 700.

22 (Whereupon, Attorney Hursh was
23 again sworn.)

24 MR. HAMMER: Spencer Hammer, 242 Brooke

1 Lane, Rockford, Illinois.

2 (Whereupon, Mr. Hammer was again
3 sworn.)

4 MR. BECKER: Nicholas Becker, 1515 Windsor
5 Road, Loves Park, Illinois.

6 (Whereupon, Mr. Becker was again
7 sworn.)

8 MR. VANLAAR: All right.

9 ATTORNEY HURSH: Very briefly. Again, I
10 think Hilary did due diligence on this one as well.
11 We would ask that you find -- that you accept the
12 findings of fact at the right time. She's done her
13 due diligence here and presented a good report.

14 To clarify, again, the 20 percent
15 request is out. That's one of the reasons for the
16 redesign. Another reason for the variance of a
17 setback is so that the retention pond can be made
18 big enough and handle enough of the runoff as
19 currently the engineer had currently designed. So
20 that's another reason for that. I asked Spencer
21 before we stepped up if 45 feet would work, and it's
22 not -- it may work, but we know the 30 foot would
23 work. So we're still asking for the 30 foot, you
24 know, those are your decisions, obviously. But the

1 30 foot would definitely work with regard to the
2 number of units that are desired to make it
3 economically feasible as well as for the retention
4 pond that's going to be needed. Does that change a
5 few -- change the surface? I don't know. I'm not a
6 engineer, again, you know, the parking surface. I'm
7 just not sure.

8 With regard to the materials
9 variation, we're just asking to not -- it was my
10 interpretation of reading of what I read, that you
11 need brick fronts or some type of brick material
12 front -- frontage on these buildings in this 20 --
13 overlay 20 corridor. I'm not a hundred percent sure
14 I'm correct on that, but that was my interpretation.
15 So we wanted to make sure that we did build these
16 as, you know, I don't that I've ever seen a storage
17 unit with anything other than metal. Spencer has
18 been in contact with several different builders of
19 these and is in talks with him, but we're asking for
20 the metal simply because, one, it does look better
21 for storage units to have that. Two, the two
22 buildings directly to the east are all metal, and if
23 you go further down past the entrance to Anderson
24 Woods, on the other side of the businesses there,

1 there's another great big shed that's all metal is
2 well. This would look not similar to those. There
3 would be a color scheme that would be approved by
4 the appropriate building departments. And, again,
5 it would look nice. This isn't just going to be,
6 you know, your battleship gray metal that's going to
7 be used. They want it to be, you know, attractive
8 to people that come and use them and those that pass
9 by. So we're sensitive to that issue as well.

10 Those are really the requests that
11 remain, and I'd be happy to answer any questions.
12 Nick, do you want to talk to any construction
13 materials at this time or you just did the water
14 retention? Go ahead.

15 MR. BECKER: Well, real briefly, the
16 paving materials, I mean, with the civil site, our
17 role as designers would be not any of the building
18 materials, but just to kind of clarify what we'd be
19 designing. We were reading the recommendations, not
20 that they were set in stone, so that to this point,
21 up to the conversations that we recently had, we
22 were assuming hot mix asphalt or concrete. That's
23 what it seemed like the staff wanted. So we haven't
24 done any calculations on gravel, pavement or

1 anything like that. But, again, it's not a
2 finalized design. So that's where we're at now
3 based on what was in the staff report.

4 ATTORNEY HURSH: As far as water issues
5 with regard to the variance, you know, I guess I'd
6 really just really like to point out that the water
7 issues, and I've seen it, it's horrible, you know.
8 I can't disagree with you. But that situation is
9 totally than this development. That water that they
10 experience comes from an already existing situation
11 and from underneath 20 from a field runoff across
12 the street. Nick, again, you can talk a lot better
13 about this than I can. But it's my understanding
14 that through the designs here, that wouldn't be
15 affected by what's going on currently.

16 MR. BECKER: Well, the obligation of our
17 design, not just a goal, but is to meet -- would be
18 to meet the County requirements. So the County
19 requirements, one, just to clarify, it does allow
20 bypassing of off-site flow. So there's nothing in
21 the County Code either before or now, that would
22 requires detention to be provided for the runoff
23 coming from the north side of 20. The idea is that
24 if this property was a cornfield, that's a 36-inch

1 pipe under Route 20, it would still be shooting
2 water straight from north to south. So the
3 ordinance will require that the runoff the, peak
4 runoff rate post construction, it'd be less than the
5 peak runoff rate preconstruction. That would be our
6 obligation to come up with a site plan supported by
7 calculations that proves that that section of the
8 ordinance is met.

9 ATTORNEY HURSH: That would be our
10 presentation.

11 MR. VANLAAR: Okay.

12 MS. ROTTMANN: So whoever wants to speak
13 on behalf of it. So we still want the reduction of
14 the front yard setback from 75 to 30. We want the
15 approval to deviate from the exterior construction.
16 Are you still interested to allow parking in the
17 front yard of the lot?

18 ATTORNEY HURSH: Oh, I'm sorry, yes. That
19 would --

20 MS. ROTTMANN: Okay.

21 ATTORNEY HURSH: And by that, again, we're
22 meaning when people come in to use the units. We're
23 not meaning people are going to park there and stay
24 there all day. But, yes just to make sure we're on

1 the safe side.

2 MS. ROTTMANN: Yes. Okay. We're just
3 removing the one appeal from --

4 ATTORNEY HURSH: Yes.

5 MS. ROTTMANN: Okay. I just wanted to
6 make sure.

7 ATTORNEY HURSH: Thank you, Hilary. I did
8 forget to mention that, yeah. When I think of
9 parking, I think about stripes, spots and stuff like
10 that. And that's not really going to be conducive
11 to this type of use.

12 I guess, for the record, I'd like you
13 to consider the other exhibits that were entered in
14 the special using hearing as well.

15 MR. VANLAAR: This new design, does
16 this -- does this give you more storage units than
17 the previous design?

18 MR. HAMMER: Yes, it actually shows one
19 more building.

20 MR. VANLAAR: Over onto the west, right?

21 MR. HAMMER: Correct.

22 MR. VANLAAR: Okay. And that currently is
23 what's -- what's there right now? To the additional
24 storage unit that's to the west, what's --

1 ATTORNEY HURSH: Hilary, can you go back
2 to the aerial?

3 MS. ROTTMANN: Yep.

4 ATTORNEY HURSH: So, what, you're talking
5 about to the west?

6 MR. VANLAAR: It would be right here
7 (indicating).

8 ATTORNEY HURSH: Do you see what he's
9 talking about?

10 MR. HAMMER: Yeah. I'm sorry. What was
11 the question?

12 MR. VANLAAR: Basically on this --
13 regarding this, on this topographical map or this
14 aerial view, that additional building or it looks
15 like a building plus a smaller one --

16 MR. HAMMER: I think that's a trailer that
17 you're seeing there in that picture.

18 MR. VANLAAR: Right. Right. But
19 according to this (indicating) here --

20 ATTORNEY HURSH: Yeah, he's talking about
21 this (indicating).

22 MR. VANLAAR: These (indicating) are --
23 you're proposing these -- these two items, right, as
24 well?

1 MR. HAMMER: Correct. Actually, it was
2 just extending, I think, the building is what we
3 were able to do. Because as you can see that in
4 that drawing, there's five buildings. And then I
5 believe up on the top, which I would consider phase
6 one up there, yeah, we can still get two buildings.
7 So it's just allowing for a little more water
8 holdings, I think, is the plan there.

9 MS. KRUMM: Are you talking about the one
10 on the bottom there?

11 MR. VANLAAR: Well, what I'm looking at is
12 if you look at the -- at the big picture there. It
13 looks like there's a half unit --

14 MS. KRUMM: Yes.

15 MR. VANLAAR: -- right here (indicating).
16 That looks like it's in the proposed stormwater
17 detention area. Apparently not.

18 MR. BECKER: I can speak to that. That's
19 just -- the stormwater detention area will be -- the
20 land will grade down directly into it. So it will
21 be --

22 MR. VANLAAR: Significant grade --

23 MR. BECKER: Yes.

24 MS. ROTTMANN: So the dotted lines show

1 the grading?

2 MR. BECKER: The dotted lines -- the
3 dotted lines show an outline of pavement and gravel.

4 MS. ROTTMANN: Oh, okay.

5 MR. BECKER: There's not a proposed
6 contour line shown.

7 MS. ROTTMANN: Okay. I was just trying to
8 confirm if that was --

9 MR. BECKER: And other dotted lines are
10 labeled as the building -- as the building setback.

11 MS. KRUMM: But you're still adding
12 another half building?

13 MR. BECKER: Well, the original drawing
14 showed four buildings in a north-south orientation
15 as being like a phase two. And then the idea was to
16 fit two more kind of where the cursor is. It's the
17 same number of buildings. Now one of the buildings
18 has -- it's just one sided so it doesn't need a
19 driveway on the back side, so we saved some pavement
20 and increased green space that way.

21 MR. SCHABACKER: Well, I think the first
22 set of buildings showed 130 units. This shows 159
23 according to my calculations. They're easy to
24 count. Just count 'em up, there they are. I think

1 right there I've think you've got, what, 26 units
2 per building? 26 times five is 130. There's your
3 130. The other ones I counted, I got 159.

4 MR. HAMMER: So, Steve, I needed something
5 to get on paper. I asked Mr. Rogowski (sp) to draw
6 up a plan --

7 MR. SCHABACKER: Sure.

8 MR. HAMMER: -- and it was super
9 preliminary. And, I mean, my biggest thing, I just
10 need the special use permit. There could still be
11 some tweaks. So we're just trying to maximize what
12 we can utilize the property for, and that's, in
13 essence, what we're doing.

14 MR. SCHABACKER: Well, what I do is, I try
15 to look at what's presented to me so I can make a
16 good judgment. I don't like to guess --

17 MR. HAMMER: Sure.

18 MR. SCHABACKER: -- I like to see what's
19 in front of me. And, yeah, you can tweak things,
20 but the information given to me is what I go on.

21 MR. HAMMER: Agreed a hundred percent, but
22 with R.K. Johnson, we had them come in so this is a
23 more official set up --

24 MR. SCHABACKER: Sure.

1 MR. HAMMER: -- because, I mean, we had to
2 have professional --

3 MR. SCHABACKER: I'm not debating you.
4 I'm just saying I like to read what you put in front
5 of me as accurate.

6 MR. HAMMER: Absolutely.

7 MR. VANLAAR: Yeah, we look at things here
8 on this board as testimony. So from that
9 standpoint, there could be a lot of questions, and
10 in your mind they may be immaterial, but this is
11 where we try to flush out a lot of -- all the facts
12 that we possibly can to help out the -- help out the
13 County.

14 ATTORNEY HURSH: I think the point is that
15 first one was more of just a concept. This one is
16 more of an engineered this project. This is what
17 it's more expected to look like. So this would be
18 the one we'd want you to consider, Steve.

19 MR. VANLAAR: Thank you.

20 Anything else from the board to the
21 Applicant?

22 MR. SAVINO: I have a question.

23 MR. VANLAAR: Yes, Mr. Savino.

24 MR. SAVINO: I don't know if this would be

1 Nick or whoever the designing of it.

2 MR. VANLAAR: Use your mic, please.

3 MR. SAVINO: Say that you guys want a
4 30-foot setback. This drawing shows 45 maybe or
5 maybe not you can make that work. If this went back
6 to, say, a 50-, 60- or even 75-foot setback, could
7 you make anything work?

8 MR. BECKER: Well, I mean, everything is
9 relative. Our standpoint personally as designers is
10 the code has to be met. We're not seeking --
11 there's no variance sought after for anything in
12 terms of detention requirements. So to make it
13 work, you'd have to lose pavement or a roof. You
14 know, hard surface creates more runoff. The
15 detention ordinance limits the runoff. So the less
16 green space we have, the more hard surface we have
17 to omit. And then it becomes a balance of what
18 becomes feasible as a project or not. So certainly
19 anything could work. From our standpoint, the
20 variance is beneficial because it allows the
21 buildings to shift towards the high side of the lot.
22 Ancillary to that, it allows the building to shift
23 farther away from the residence so you have more
24 room for detention where the property is low and

1 more room for a buffer against your closest
2 neighbors.

3 MR. SCHABACKER: On your are detention --
4 the first drawings that were submitted, they were
5 pretty easy to follow. This that you just give us
6 now, where's your detention at? I mean, make it
7 more specific so I can understand. You kind of give
8 a guesstimation of where it's at, but where is it?

9 MR. BECKER: It's -- it's labeled as
10 proposed stormwater detention against the south side
11 of the lot and the landscape buffer is hard up
12 against the south property line.

13 MR. SCHABACKER: So that line that says
14 here proposed stormwater retention, where's your --
15 where's the berm? Again, the first set of drawings
16 we got, it's real clear where it's at. It's drawn
17 out very clear. But this one here, I've got to try
18 to figure it out. I would like to kind of know
19 where it's at.

20 MR. BECKER: Sure. I apologize if it's
21 less clear. Our standpoint was that -- the actual
22 contour lines which will be the meat and potatoes of
23 the design. Some of that depends on the
24 determination of this board. So we didn't show that

1 to this point. But the stormwater detention will
2 start at the edge of the pavement. The land will
3 slope down four to one maximum slope from the edge
4 of the pavement and behind that single-row building,
5 where the land will slope down into the detention.

6 MR. SCHABACKER: And how close to the
7 property line? What's your setback on the property
8 line? Is it 20 feet?

9 MR. BECK: The building setback line is
10 20 feet, that's correct. We don't anticipate we'll
11 need anywhere near that. What we'll need is the
12 detention area.

13 MR. SCHABACKER: That's kind of what I'm
14 getting at. I'm trying to guess where your
15 detention area is. I know your setback building
16 line. I do see that. But now -- I just wish it was
17 a little bit more clear for me --

18 MR. BECKER: I understand.

19 MR. SCHABACKER: You know, when I make
20 decisions of this importance, I want to know where
21 things are at.

22 MR. BECKER: Sure.

23 MR. SCHABACKER: And, again, I can
24 understand kind of guesstimation at times where --

1 the vicinity. But, again, the first set of drawings
2 that were given to us, for me, anyway, personally, I
3 could see right where it is. There was no guessing.
4 It's here. It's there. This is one, it's just sort
5 of this area. And on the engineering you did, you
6 did the engineering to see what kind of runoff you
7 had; is that correct?

8 MR. BECKER: That's correct.

9 MR. SCHABACKER: So that way you can size
10 the detention area?

11 MR. BECKER: That's correct.

12 MR. SCHABACKER: So if with you're able to
13 size the detention area, you should be able to draw
14 it in there to some degree.

15 MR. BECKER: Well, the detention isn't
16 finalized because the layout's not finalized.

17 MR. SCHABACKER: Okay. So it could be
18 anywhere in that vicinity?

19 MR. BECKER: Well, we -- we are
20 anticipating at a minimum it's going to need to
21 extend across the south property line.

22 MR. SCHABACKER: And, again, maybe I
23 didn't hear it correctly. What's the -- where did
24 you put the property line on the south side?

1 MR. BECKER: Will it'd be the landscape
2 buffer and the berm, so approximately ten feet.

3 MR. RHODE: So around ten feet. Isn't
4 that like a State requirement, ten feet, or rule of
5 thumb or something? I read that somewhere.

6 MR. BECKER: There is a required setback
7 from a State highway. I don't know of any
8 requirements --

9 MR. SCHABACKER: For property lines?
10 Okay. I think there's like a ten-foot rule or
11 something. I know I read that a while back where
12 they required ten feet from the property line for
13 like the berm or whatever to hold the water
14 detention.

15 MR. BECKER: I have not seen that that in
16 the ordinance, although, there's a practical setback
17 because you can't grade off of your property.

18 MR. SCHABACKER: Right.

19 MR. BECKER: So you can't simply just but
20 a pond and have the berm be on your neighbor's
21 property.

22 MR. SCHABACKER: Right.

23 MR. BECKER: So there's always a practical
24 setback.

1 MR. SCHABACKER: Absolutely.

2 MR. BECKER: But in general terms the idea
3 would be to -- the pond would be in a similar
4 alignment than the one that's there now, just
5 significantly larger.

6 MR. SCHABACKER: So these sizes release
7 for your retention, you have that sized so that --
8 your retention area, that will hold water for
9 detention, that leads the water out, correct?
10 Detention area is empty it out; retention, hold it
11 for a period of time between storms?

12 MR. BECKER: That's correct.

13 MR. SCHABACKER: All right. So you do
14 size that on its release?

15 MR. BECKER: The release rates.

16 MR. SCHABACKER: Okay. Now, that release
17 for that property is going to go where?

18 MR. BECKER: It's going to go at the
19 natural release point of the ground now.

20 MR. SCHABACKER: That would be in addition
21 to the water that's already --

22 AUDIENCE MEMBER: Can you repeat that?

23 MR. BECKER: Sure. You cannot redirect
24 stormwater runoff. So where the ground discharges

1 now --

2 MR. SCHABACKER: Right.

3 MR. BECKER: -- it will have to discharge
4 in the post construction.

5 AUDIENCE PROBLEM: We already have a
6 problem down the road. We don't need another one.

7 MR. VANLAAR: Yeah, we'll -- we'll hear
8 you guys. Just a minute, please.

9 MR. SCHABACKER: Okay. Well, thank you.
10 Thank you.

11 ATTORNEY HURSH: If I could, Nick, we'll
12 put you back on the spot. The release from the
13 retention pond, I think you said earlier has to be
14 less than what that flow is now; is that correct?

15 MR. BECKER: That's correct.

16 ATTORNEY HURSH: So the retention pond in
17 this area could actually help the situation that
18 some of these citizens here have a problem with now;
19 is that right?

20 MR. BECKER: Yes, if the -- if -- the peak
21 runoff post construction would have to be proven to
22 be less than it is right now. That's correct. That
23 is correct, otherwise, the County engineer, as you
24 state in the email, should not and would not approve

1 the design.

2 MR. SCHABACKER: Thank you.

3 MR. VANLAAR: When you submit this to the
4 County engineer, will you have all of the, what you
5 would propose as the actual size of the retention --
6 or as the detention pond?

7 MR. BECKER: The answer is absolutely,
8 otherwise, we would -- it would be an incomplete
9 submittal, yes.

10 MR. VANLAAR: And you would have the
11 actual berm size, and you'll have the actual holding
12 capacity?

13 MR. BECKER: Yes. In drawings and in
14 calculations, yes.

15 MR. VANLAAR: That would be good if that
16 was part of this evidence so that the whole packet
17 can move together, but as Steve has mentioned, it's
18 not.

19 Does the board have anything else at
20 this point for the Applicant?

21 (No response.)

22 MR. VANLAAR: The audience, if you would
23 want to step up here, and once again, I'm going to
24 cut you short if you are -- if you're doing comments

1 or facts, that belongs in the next stage when you
2 guys can have public opinion. If you want to
3 cross-examine what was said here by questions,
4 that's what the -- what this next step it, okay? So
5 if you would raise that mic as far as you could.
6 And once again, could you state your name?

7 MR. BEYER: William Beyer, 2541 Anderson
8 Drive, Belvidere.

9 MR. VANLAAR: And just for the sake of
10 record, could you raise your right hand?

11 (Whereupon, Mr. Beyer was again
12 sworn.)

13 MR. VANLAAR: Very good. You can
14 cross-examine the Applicant.

15 MR. BEYER: A couple of points of
16 clarification. I didn't catch the distinction until
17 Mr. Schabacker brought it up. You mentioned
18 retention pond versus detention pond, and one holds
19 water, and one releases it. Is it the detention
20 that will hold the water or --

21 MR. BECKER: The idea would be primarily
22 detention that would pass water through it with a
23 retention component that would allow -- trap some
24 water and allow it to soak into the ground.

1 MR. BEYER: Do you have any idea at this
2 stage of the design, what that rate of release is
3 other than in the terms you made about slowing down
4 what goes out the pond?

5 MR. BECKER: Well, the release rate would
6 be .2 CFS grade.

7 MR. BEYER: Say it again.

8 MR. BECKER: It would be 0.2 cubic feet
9 per second per acre.

10 MR. BEYER: Okay. And a couple of other
11 questions. I didn't hear anything come up. Is
12 there still -- we can't -- from the back, we can't
13 see that revised plan. So as we looked at what's on
14 the screen, there's a large screen space on the end
15 at the left that is there now that you didn't
16 previously have buildings. Are we to understand
17 that that is -- part of that is going away and going
18 to have buildings now?

19 MR. BECKER: That is -- that's correct.
20 The area where the cursor is, yes. Not all the way
21 to the south property line.

22 MR. BEYER: Okay. So then the illustrated
23 retention/detention area would be expanded to the
24 west to account for that additional building?

1 MR. BECKER: That's correct.

2 MR. BEYER: Okay. And is there any
3 planned outdoor storage in that remaining out there?

4 MR. HAMMER: Yes, we would offer outdoor
5 storage as far as --

6 MR. BEYER: So that land, probably to the
7 west of the last building would probably be paved
8 for outdoor storage?

9 MR. HAMMER: In my opinion, I'm all about
10 looking professional. I have no interest in doing
11 gravel. That would save me a ton of money. So if
12 you're asking me if I want to do blacktop, it would
13 be yes.

14 MR. BECKER: Okay. The reason I'm asking
15 if that's paved all the way to that lot line for
16 outdoor storage, then that outdoor storage would
17 also be included in the calculations for runoff --

18 MR. HAMMER: The outdoor storage is
19 probably going to get eliminated after -- phase one
20 will be the far west portion of the property; phase
21 two would be the lower half where the cement slab is
22 now and then to carry on from there. So there might
23 not be room for outdoor storage, but, I mean, that
24 could be a couple of years away --

1 MR. BEYER: Okay.

2 MR. HAMMER: -- because I have no interest
3 in overbuilding, so I will -- I will see the
4 response rate.

5 MR. BEYER: Okay. And will there be any
6 type of screening or privacy fencing around the
7 whole area?

8 MR. HAMMER: Let me put it this way. I
9 have no interest in creating troubles for the
10 neighbors. In fact, nobody has come to see me
11 except one. I'm very happy to cooperate with
12 everybody. In fact, I've knocked on everybody's
13 doors and didn't have any issues. So I can put a
14 privacy up. I can tell you that typically a fence
15 is to keep people out of the storage area, not to
16 keep storage people out of the neighborhood. So I'm
17 intending, by all practical purposes, to put a nice
18 treeline. I didn't intend to do a fence. I don't
19 think a fence looks good. How come you want a
20 fence?

21 MR. BEYER: I'm just asking. I personally
22 don't have an opinion on the fence one way or the
23 other.

24 MR. HAMMER: Because that doesn't border

1 where we're at now.

2 MR. BEYER: I'm actually -- I'm actually
3 down at the back end of the subdivision. I get all
4 the water. I guess I don't have any other specific
5 questions other than -- I guess I did. They didn't
6 look at the setback -- with regard to the setback
7 from that front line, what happens when Business 20
8 gets widened to four lanes? Are you going to have
9 enough room? How close are you going to be to the
10 highway at that point? Is there going to be
11 sufficient room then?

12 ATTORNEY HURSH: Well, once again, I would
13 point out that IDOT weighed in, and they don't have
14 a problem with it. So if there were any plans in
15 the works to expand that property or expand that to
16 four lanes, it didn't happen. And I can tell you as
17 a former city attorney here in Belvidere, there was
18 a plan -- there was study done in 1972 that said the
19 first thing you need to do is go four lanes all the
20 way to the County line. Never happened, so --

21 MR. BEYER: I know for our turn lane up
22 there, I talked to the engineer that was up there
23 frequently, and his comment to me was, they sent me
24 out here with this boondock out in the middle of

1 nowhere, and I've been here a half a day, and the
2 first thing you guys need is a four lane highway.

3 ATTORNEY HURSH: Again, I don't disagree
4 with you. But IDOT weighed in, and they apparently
5 don't have a problem with it. That would be
6 something that Mr. Hammer would have to deal with
7 down the road.

8 MR. BEYER: Thank you. Okay.

9 MR. BECKER: Let me just add real quick
10 that the setback is from the property line not the
11 highway.

12 MR. VANLAAR: Next person asking questions
13 and cross-examining, could you state your name and
14 address for the record.

15 MR. LANGAN: David Langan, 2579 Anderson
16 Drive, Belvidere, Illinois.

17 DAVID LANGAN,
18 having been first duly sworn, was examined and
19 testified as follows:

20 MR. VANLAAR: Very good.

21 MR. LANGAN: I just mostly have a
22 question as to that retaining pond area. Can you
23 lay your finger on the aerial map and show me where
24 that would be? I can't see that. Okay. Now, if

1 someone can show me where that --

2 ATTORNEY HURSH: Sure.

3 MR. BECKER: Let me know if you can't see.
4 This (indicating) slap would be removed, and the
5 existing pond is here. This pond would extend this
6 way. I'm not sure if I'm doing a good job as I'm
7 showing you where it would be. But the pond would
8 extend across the entire south promptly line
9 allowing all the runoff to come this way and then
10 being held up by the pond.

11 MR. LANGAN: One more question.

12 MR. BECKER: Sure.

13 MR. LANGAN: How would you like me to come
14 and builder a mosquito trap in your backyard?

15 MR. BECKER: That's a fair question.

16 MR. VANLAAR: Name and address for the
17 record, sir.

18 MR. VOLLMER: Larry Vollmer 8480 Center
19 Court, Belvidere, Illinois.

20 LARRY VOLLMER,
21 having been first duly sworn, was examined and
22 testified as follows:

23 MR. VOLLMER: My first question is, did I
24 understand correctly that the setback for the

1 retention pond would be ten feet?

2 ATTORNEY HURSH: The berm for the
3 retention pond would be no closer than ten feet to
4 the property line. Go ahead.

5 MR. BECKER: There is no defined setback
6 for the detention pond. But, yes, the detention
7 pond being the water itself, there would have to a
8 berm, and that berm would be ten feet wide, so, yes.

9 MR. VOLLMER: Maybe this is not
10 appropriate, but I put shed on my property a few
11 years ago, and I'm required to have it 15 feet from
12 the property line. I don't know if this is
13 appropriate or not.

14 MR. VANLAAR: That was for a structure?

15 MR. VOLLMER: Yeah.

16 MR. VANLAAR: Okay.

17 MR. VOLLMER: My second question would be,
18 am I to understand correctly that the runoff would
19 follow the same pattern, same path as it presently
20 does?

21 ATTORNEY HURSH: Yes. Under state law, a
22 dominant piece of property when we're talking about
23 water flow, a dominant piece of property cannot
24 change the water flow to a subservant piece. In

1 other words, we can't take the water flow from this
2 parcel and make it go straight back or off to the
3 other direction. It has to take its natural path.
4 And that's state law. What we're -- what we're
5 trying to get across is, the pond has got to be built
6 big enough that it's going to retain or detain that
7 water while it's slowly released at a much slower
8 rate than the flow it is now getting into the
9 existing ponds.

10 MR. BEYER: Okay. Well, this will
11 probably come later, but we already do have a major
12 problem. That's why most of us are here tonight.

13 MR. VANLAAR: Yeah, we'll -- it would be
14 great if all you guys would be able to present those
15 problems at the -- when the Applicant is able to --
16 sits down and then all those who have something to
17 say for it and then something to say against this,
18 are able to stand up and present some evidence.

19 MR. BEYER: Okay. Final question. I
20 believe you already have a retention pond. Is that
21 pond working properly?

22 ATTORNEY HURSH: There's no existing
23 retention pond for this parcel that I know of. So
24 they would be creating a new retention pond for this

1 parcel.

2 MR. BEYER: Okay.

3 MR. VANLAAR: State your name and address.

4 MR. LANE: Steve Lane, 2595 Anderson
5 Drive.

6 STEVE LANE,
7 having been first duly sworn, was examined and
8 testified as follows:

9 MR. VANLAAR: Very good.

10 MR. LANE: My question is, the stoned in
11 area at the top of the parcel to the north and
12 northwest, is that going to be paved then?

13 ATTORNEY HURSH: At this time that's the
14 intention, however, it's been -- with regard to the
15 approval of the special use, that's going to be left
16 up to the County engineer was my understanding.
17 There would be discussions how best to do that.

18 MR. LANE: So if that's paved, what's
19 going to keep the water from going west and then
20 it's going to end up in the existing retention pond?

21 ATTORNEY HURSH: Again, state law would
22 require that they can't do that. State law requires
23 that it has to take its natural path.

24 MR. VANLAAR: Well, right now it's going

1 west.

2 ATTORNEY HURSH: Well, and if possible,
3 maybe they can put it back into the new pond that's
4 going to be created. And, again, that's going to be
5 a much slower release than what exists now.

6 MR. LANE: Okay. That was my only
7 question. I live directly behind those two
8 buildings and the current retention pond goes
9 through my yard. And I'm just concerned with any --
10 any extra water coming through there is going to be
11 a problem for me with my septic system.

12 MR. VANLAAR: All right. Thank you. All
13 right.

14 ATTORNEY HURSH: And, for the record, I
15 just want to make it very well known that these
16 water problems that these individuals are talking
17 about, for the record, already exist.

18 AUDIENCE MEMBER: Bullshit.

19 MR. VANLAAR: All right. That's enough,
20 guys.

21 ATTORNEY HURSH: I'd like him to come back
22 up, because I'd like to cross-examine, please.

23 MR. VANLAAR: When he comes up, you'll be
24 given time to cross-examine.

1 ATTORNEY HURSH: Okay. Thank you.

2 MR. VANLAAR: All right?

3 ATTORNEY HURSH: Yep. Those problems
4 already exist. That's why we're here. And we're
5 sensitive to that issue. We're actually trying to
6 come up with a solution here to maybe slow some of
7 that water flow down. And I think that's what -- I
8 think that's what the engineer has testified to.
9 That's the point we're trying to make. This could
10 actually be an improvement there.

11 MR. VANLAAR: State your name and address
12 for the record.

13 MR. WIRTH: Duane Wirth, 2600 Andy's Lane,
14 Belvidere.

15 DUANE WIRTH,
16 having been first duly sworn, was examined and
17 testified as follows:

18 MR. VANLAAR: All right.

19 MR. WIRTH: Spencer, you said there's no
20 fence now?

21 MR. HAMMER: Correct. Well, I was not
22 intending to do a fence. We talked about a
23 treeline.

24 MR. WIRTH: Okay. The hours? It's open

1 24 hours a day then?

2 MR. HAMMER: Correct. Most would happen
3 during business hours, but there are people that
4 move when they're not working.

5 MR. WIRTH: Okay.

6 MR. HAMMER: Like any storage facility. I
7 mean, I've never had complaints from other
8 neighborhoods.

9 MR. WIRTH: I know that it's going to be a
10 concern because of the fact of our comings and
11 goings at all times of the night people could come
12 onto the property. Of course I'm about right up
13 through it. I guess that's -- that's the questions
14 I have then.

15 MR. VANLAAR: So your concern is nighttime
16 hours? I'm talking over here. Your concern is
17 nighttime hours?

18 MR. WIRTH: It's the time. The time limit
19 to come in. Since there's no fences or anything,
20 they can come and go, and we don't know if it's the
21 good guy or the bad guy --

22 MR. VANLAAR: Right.

23 MR. WIRTH: -- coming in and that's --
24 that's kind of --

1 MR. HAMMER: Unfortunately, the bad guys
2 aren't going to follow the rules anyway.

3 MR. WIRTH: Well, I know that. I should
4 know that better than a lot of people.

5 MR. HAMMER: We would do our best to keep
6 track of what's going on. I mean, again, I'm not
7 really trying to cause any troubles for neighbors
8 and crime rate isn't going to be an issue. We're
9 going to do our best to keep this under control.

10 MR. VANLAAR: Very good. Next? Sorry,
11 sir --

12 MR. WIRTH: No, I'm done.

13 MR. VANLAAR: Very good. I did not mean
14 to cut you off prematurely. Next? State your name
15 and address for the record.

16 MS. HAVERSON: My name Jan Haverson (sp),
17 2592 Andy's Lane.

18 JAN HAVERSON,
19 having been first duly sworn, was examined and
20 testified as follows:

21 MS. HAVERSON: I just wanted to add to
22 what Duane Wirth said. The reason that I would like
23 to have restriction on the hours for accessibility
24 is because that will wake us up in the middle of the

1 from. There's Franklin -- I should say there's a
2 wire -- a fireworks tent that's up in June and July.
3 And because of that business that's there and they
4 sell fireworks out of that tent, that affects the
5 local homeowners. And we're woken up many times
6 during the night for that period of time. That's
7 temporary, and that's goes away, so we don't say
8 anything. But this is going to be permanent. And I
9 would like the board to consider restriction for
10 hours, 6:00 a.m. to 10:00 p.m. or something like
11 that. If people need to get their things out of
12 storage, they need to plan ahead. It's a storage
13 unit. I don't think they need to have access
14 24 hours a day. Thank you.

15 MR. VANLAAR: Thank you. Anything --
16 anybody else who would like to cross-examine the
17 Applicant?

18 (No response.)

19 MR. VANLAAR: Does the board have anymore
20 questions for the Applicant at this time? We may
21 you call you back up before we close the public
22 hearing.

23 MR. RHODE: I've got one. Is the only --
24 where is the access going to come into to this? Is

1 it going to come from out of Hammertime Sports in
2 front of there coming through, or is there going to
3 be two access points?

4 ATTORNEY HURSH: It's anticipated that the
5 existing entrance, egress and ingress that you see
6 off 20 right now would remain because it's never
7 been abandoned. Again, IDOT would have to approve
8 all that because it's all got to go in front of them
9 for their approval. If they require that it goes
10 through the Anderson Wood entrance into -- then it's
11 Hammertime, then that's what we'll have to comply
12 with. But their request at this time from IDOT
13 would be to keep the present and existing ingress,
14 egress for the old Franklin Wire Works.

15 MR. VANLAAR: I have a question for
16 probably Spencer either -- anybody could take this,
17 but in your other storage unit facilities, do you
18 have a keycard access that allows people in and out?
19 Do you know who's coming in and out? Is that all
20 logged?

21 MR. HAMMER: No, sir.

22 MR. VANLAAR: Okay. I know there's
23 other -- there are storage facilities that do have
24 that, that have a keycard and/or a code that if

1 Mr. Smith comes in at X amount, you know, whatever
2 time it is, then that is all logged.

3 MR. HAMMER: Sure.

4 MR. VANLAAR: Would you consider something
5 like that?

6 MR. HAMMER: Honestly, I don't think
7 that's --

8 ATTORNEY HURSH: Just a minute. With all
9 due respect, that's a condition for the special use.
10 It has nothing to do with variance as requested --

11 MR. VANLAAR: I understand.

12 ATTORNEY HURSH: -- as far as I can tell,
13 and that portion has been closed.

14 MR. VANLAAR: I understand.

15 ATTORNEY HURSH: I'm not trying to cut you
16 off, I'm just trying to keep you --

17 MR. VANLAAR: No, it's -- okay. That's
18 fine.

19 Anything else for the Applicant?

20 (No response.)

21 MR. VANLAAR: Seeing none. You guys can
22 sit down.

23 Anyone else in the audience that would
24 like to speak in favor of this variance?

1 (No response.)

2 MR. VANLAAR: Seeing none. All those who
3 would like to speak against this variance, it's your
4 time to present evidence as to why this variance is
5 not something that should be passed. Anybody that
6 would like to speak against this variance, it's your
7 time now to step up to the podium and to give us
8 your public opinion and/or better yet facts.

9 Can you once again state your name and
10 address for the record, please?

11 MR. LANE: Steve Lane, 4595 Anderson
12 Drive.

13 (Mr. Lane sworn.)

14 MR. VANLAAR: Very good.

15 MR. LANE: I'm not really convinced that
16 our water problem is going to get any problem. I
17 feel it's going to get worse. After the first
18 retaining pond was put in, my lift tank for my
19 septic system filled clear to the top, and I had to
20 have it pumped out because it was leaking into my
21 basement. I had to build landscaping in the back of
22 my property just to kind of divert the water. Can I
23 present some pictures?

24 MR. VANLAAR: Uh-huh. (Affirmative

1 response.)

2 MR. LANE: Here's some pictures. Duane,
3 can I borrow that other picture that you have there?

4 MS. KRUMM: Where is this located at from
5 your home?

6 MR. LANE: That's from the road.

7 MS. ROTTMANN: How many houses --

8 MS. KRUMM: What road?

9 MR. VANLAAR: Which one is this
10 (indicating)? Up there right.

11 MR. LANE: Right there. Yep. In between
12 and then the next one over to the left.

13 MS. ROTTMANN: This one? Oh, sorry.
14 Right here.

15 MS. KRUMM: And that's what this is?

16 MR. LANE: Yes. That's looking from the
17 road back to the retaining pond, and that's the
18 drain. That's where it comes out.

19 MR. SAVINO: Which one is this?

20 MR. LANE: This is standing right above
21 where it comes out. And this is the landscaping I
22 built to just kind of divert it from going into my
23 septic tank.

24 MR. SCHABACKER: Steve, how recent is that

1 photo?

2 MR. LANE: A couple of weeks ago.

3 MR. SCHABACKER: A couple of weeks ago
4 when we had all the rain?

5 MR. LANE: Every time it rains. Every
6 time it rains, you can ask anybody in here, it's
7 right up over the road from my house.

8 MR. SCHABACKER: So this is looking north,
9 on your property, this is looking north towards
10 Highway 20?

11 MR. LANE: Right.

12 MR. SCHABACKER: And you said this is a
13 couple of weeks ago?

14 MR. LANE: Yeah --

15 MR. SCHABACKER: Guesstimate?

16 MR. LANE: -- about three weeks probably?
17 But it's normal. Even an inch of rain, it's going
18 to be flooding through there.

19 MS. KRUMM: Is it possible for you to come
20 over here and show us where that water goes through
21 on that picture here (indicating), please?

22 MR. LANE: (Complies with request.)

23 MS. KRUMM: And who owns that where it's
24 running through?

1 MR. LANE: It's right here (indicating).
2 It comes all the way down, it goes over my driveway.
3 This is my neighbor's. It goes -- it's washed out
4 her yard. And then it comes underneath here and
5 goes this way and goes around, and it ends up going
6 right here. So -- but then this is all the
7 conservation district back here, and it real slopes
8 off and goes done down. But it goes through there
9 and gets pretty bad.

10 MR. SCHABACKER: Have you shared your
11 concerns with the township road commissioner?

12 MR. LANE: Actually, my neighbor has had
13 him over there several times, and we've showed him
14 pictures. I've lived there for 21 years, and, you
15 know, he said it's always been there. No, it wasn't
16 like that before until they put up the two buildings
17 and the parking lot. And that retaining pond just
18 isn't --

19 MR. SCHABACKER: Steve, when's the first
20 time you brought that to the attention of the
21 township road commissioner?

22 MR. LANE: I never have, but my neighbor
23 has. And Duane has.

24 MR. SCHABACKER: Sure. So you don't know

1 whether or not they've studied it themselves or took
2 a look at it, the existing problems that you're
3 having before the issue come up for us tonight?

4 MR. LANE: Well, he's been out there --

5 AUDIENCE MEMBER: Three years ago it
6 started.

7 MR. LANE: As soon as she -- she brought
8 the property next door, what, three years ago?
9 Four years ago.

10 MR. SCHABACKER: But to the best of your
11 knowledge, some of these issues or water started
12 some time ago?

13 MR. LANE: Oh, yeah. Right after they
14 built the two buildings it got bad. And it got
15 worse when they modified the retaining pond.

16 MR. VANLAAR: Before the two buildings
17 were up, where did the water run off to?

18 MR. LANE: Before that it was just grassy
19 field, and it would come down slowly and soak in.
20 And the only time it ever really pooled and come
21 through there is if like the ground was froze. But,
22 you know, it never washed things out. All the trees
23 along the back of the property died. And they were
24 kind enough to replace 'em, but even the ones they

1 replaced it with are dying except for the ones that
2 are up a little higher. And then my neighbor had
3 three trees -- four trees taken down, and I think
4 she's got a fifth one that's dying. So I don't know
5 if the water is contaminated with gas and oil from
6 the parking lots or what, but to say that this is an
7 existing problem isn't right.

8 MR. VANLAAR: So your main concern is the
9 water?

10 MR. LANE: Well, if they pave more parking
11 lots -- if anymore water comes west, it's going to
12 start filling my septic tank up again. It's not
13 pleasant when that happens. I have a lift tank, and
14 it would come from the back, across my yard and go
15 straight into the top of the lift tank, fill it
16 clear to the top. And then when the pipe goes into
17 my basement, it would start leaking in. I've had to
18 put out emergency-type situation and get right out
19 there and pump it out. It was like three times, and
20 then I put in the landscaping in the back, and after
21 I did that, that kind of diverts it. But that
22 picture shows it just barely keeps it from going
23 across there. So if we get any more water, I'm
24 pretty sure I'm going to have some issues. That's

1 all I've got to say.

2 MR. VANLAAR: Anymore questions from the
3 board?

4 (No response.)

5 MR. VANLAAR: Any questions to Steve from
6 the audience for cross-examining? Name and address.
7 You've already been sworn in.

8 ATTORNEY HURSH: Attorney Jim Hursh
9 representing the Applicant, 321 West State Street,
10 Suite 700.

11 Mr. Lane, are you aware that the size
12 of the culvert under 20 was changed about
13 three years ago?

14 MR. LANE: No.

15 ATTORNEY HURSH: Okay. Are you -- do you
16 have any evidence that says or that can show that
17 there would be an increased runoff if this project
18 was, in fact, allowed to go through?

19 MR. LANE: Well, if you're going to pave
20 more land and if it's -- you say you're not going to
21 change the grade or anything, right now it's stone,
22 so I'm sure it soaks up some.

23 ATTORNEY HURSH: Did you retain an
24 engineer to check into any of this?

1 MR. LANE: No, I haven't.

2 ATTORNEY HURSH: And so what you're giving
3 us is your opinion. Are you an engineer?

4 MR. LANE: No, I'm not.

5 ATTORNEY HURSH: And you realize that what
6 you just described is how the subdivision was
7 designed in beginning; is that right?

8 MR. LANE: Yeah, it was --

9 ATTORNEY HURSH: The water that flows from
10 the north tries to get to the river to the south; is
11 that right?

12 MR. LANE: Right. But it got worse when
13 they modified the retaining pond because they
14 changed it after it was put in. They put in a
15 retaining wall, and I can't say for sure, but I
16 think it's a little bit smaller than it was after
17 they put in their retaining wall.

18 ATTORNEY HURSH: Do you have any evidence
19 to refute the testimony from Nick Beck (sic) that
20 says -- Nick Becker, I'm sorry. That says that the
21 holding pond would actually slow the water flow into
22 your area?

23 MR. LANE: Why would it slow it down?

24 ATTORNEY HURSH: Well, as he testified, if

1 you're asking me a question?

2 MR. LANE: Yeah, I'm asking you a
3 question.

4 ATTORNEY HURSH: As he testified, it's
5 going to slow the release of the water to less than
6 what it is now. It has to. That's state law.

7 MR. LANE: But I don't understand how it
8 can slow it down unless they're going to modify or
9 change the retaining pond that's currently there.

10 ATTORNEY HURSH: We'd call Nick Becker in
11 rebuttal.

12 MR. LANE: Now, I left something out. I
13 forgot. The last few rains that we had, my neighbor
14 will testify it to this, it's actually flown over
15 the edge of the retaining pond, not just coming
16 through the pipe, it was going over into her yard.
17 So that's -- that's another issue that we've had.
18 It's probably, what, probably at ten-foot area that
19 it's just coming right over the top of it.

20 ATTORNEY HURSH: What is your solution
21 to -- if the project is allowed, what is your
22 solution to slow that problem?

23 MR. LANE: To me, don't allow the project.

24 ATTORNEY HURSH: And, again, do you have

1 any evidence to refute the fact that the new
2 retention pond may, in fact, slow your problem and
3 cause your problem to be lessened?

4 MR. LANE: Maybe I don't understand how --
5 are you connecting these retention ponds?

6 ATTORNEY HURSH: I will have the engineer
7 talk about that, but I think he had already
8 testified that, yes, that is the case.

9 MR. LANE: They're going to -- so it's
10 going to be one long retention pond all the way to
11 the end?

12 ATTORNEY HURSH: We'll have him testify to
13 that, but I think that's been his --

14 MR. LANE: So then all the water is going
15 to go --

16 (Laughter)

17 ATTORNEY HURSH: Can we get some order?

18 MR. VANLAAR: Okay.

19 ATTORNEY HURSH: At a much slow are rate.
20 Do you have anything to refute the fact that it's
21 going to be at a much be slower rate?

22 MR. LANE: If you don't change the size of
23 the pipe --

24 ATTORNEY HURSH: It's a yes/no question.

1 Do you have any evidence --

2 MR. LANE: No.

3 ATTORNEY HURSH: -- to refute the fact
4 that's been testified to here today by an engineer,
5 that it could slow and will slow the release of that
6 water and probably help your situation?

7 MR. LANE: No, I don't.

8 ATTORNEY HURSH: Thank you. Nothing
9 further.

10 MR. VANLAAR: Very good. Any other
11 questions for Steve?

12 (No response.)

13 MR. VANLAAR: Anything more from the
14 board?

15 (No response.)

16 MR. VANLAAR: You can sit down, Steve.
17 Thank you.

18 Anybody else that would like to speak
19 opposing this? This gentleman. You may step up.
20 You signed in, right? You signed in one of these
21 cards? Okay. Very good. And would you raise your
22 right hand and state your name and address, and I'll
23 swear you in.

24 MR. BAUMER: Larry Baumer, 8487 Center

1 Court, Belvidere, Illinois.

2 LARRY BAUMER,

3 having been first duly sworn, was examined and
4 testified as follows:

5 MR. BAUMER: Well, we definitely have some
6 major runoff problem. We all agree to that. I have
7 some pictures to pass around, if I may.

8 MR. VANLAAR: Sure.

9 MR. BAUMER: And these pictures were taken
10 back in July. Unfortunately, they don't show the
11 water at the highest point. It was several hours
12 after the rain. As everyone knows, we had a lot of
13 rain in June and July. And the first picture that I
14 have -- and by the way, I should mention that
15 we've -- there are three cul-de-sacs in the
16 subdivision. One on the west side, one on the east
17 side, and one in the center where we live. All of
18 the water that runs down to the back of the
19 subdivision comes past our property. We are
20 surrounded on three sides of our house by a drainage
21 ditch. When it rains, it seems like our house and
22 property is a peninsula. The first picture is
23 facing northwest -- northwest. I'll pass that
24 around. That's from the back. That's at the corner

1 of Anderson Drive and Center Court. The second
2 picture faces south/southeast, and to the left of
3 the picture, it actually -- where the circle bends,
4 it faces east. This private drainage ditch runs
5 underneath our driveway. And after several rains,
6 our driveway, we get like an inch and a half or more
7 of rain. Our driveway is flooded and water runs
8 over the driveway.

9 The third picture faces
10 east-northeast, and it shows the other drainage
11 ditch that goes behind our house. And, again, I
12 should have taken pictures a few hours sooner when
13 the water level was much higher.

14 MS. KRUMM: Is this normal?

15 MR. BAUMER: Very normal.

16 MS. KRUMM: Very normal.

17 MR. BAUMER: We have lived in the
18 subdivision for 13 years. I didn't realize what a
19 problem the drainage was for a few years. Somebody
20 -- some engineer designed this, and I think designed
21 it very poorly.

22 MR. SAVINO: Are you talking the
23 subdivision was designed poorly?

24 MR. BAUMER: I'm sorry?

1 MR. SAVINO: I'm right here. To your
2 right.

3 You said it was designed poorly. You're
4 talking about the subdivision should have had better
5 drainage?

6 MR. BAUMER: Definitely. Because all of
7 the water from the west part of the subdivision
8 flows through this ditch. And most of the water
9 throughout Hammertime property and from the highway
10 and from the cornfield north of the highway, comes
11 flowing down. In fact, about a month ago after a
12 lot of these rains, we were driving out of the
13 subdivision on our way to Rockford one day, and we
14 saw they were using large machinery scraping off the
15 mud that -- from the north side of the highway from
16 the water that had flowed down. The third picture
17 faces directly west. And the front of the picture,
18 you can't see it, but our driveway is right in front
19 of the picture, it's is the lower part.

20 No, I'm not an engineer. No, I'm not
21 an expert. No, I cannot absolutely say that
22 building the storage units will increase the
23 problem. I can say I'm a reliable source that there
24 is a drainage pond or retention pond or detention

1 pond, one or the other, on the property, and
2 apparently it doesn't work. When it's partially
3 filled and overflows, I don't know. But I dispute
4 the fact that there is no retention pond. I've been
5 told by a reliable source that there is. And my
6 fear is that whether it happens or not, I'm afraid
7 of what might happen. I'm a property owner. Now,
8 I'm probably, with all due respect to all the other
9 people in the subdivision, our house is more
10 affected, or our property more affected than anyone
11 else. As I said, our property is a peninsula under
12 heavy rains. It flows to the north side, the back
13 of the house. It flows to the west side, the side
14 of the house. Is it flows to the south side, the
15 front of the house.

16 I guess that's all I have to say.
17 Yes?

18 MS. KRUMM: And this did not happen when
19 you first purchased this home and now it's a new
20 situation?

21 MR. BAUMER: It's not a new situation, no.
22 The problem has always existed. We've been there
23 13 years. I guess I just at first never -- I was
24 aware of it. I didn't think there was anything that

1 could be done with it, so I didn't really say much.
2 I can tell you this that during June and July, I
3 could not mow any part of the drainage ditch. It
4 was too soggy and too wet. They say that over the
5 years that the blade of my riding mower when it's
6 that soggy, that wet, has actually dug ruts into the
7 bottom of the ditch.

8 MS. KRUMM: Was it worse this year than
9 other years?

10 MR. BAUMER: Yes. Probably.

11 MS. KRUMM: And so how was it any other
12 year? This has really been an unusually wet year.

13 MR. BAUMER: It has been. And that's
14 probably part of the reason. I have pictures that
15 I've taken of floods from -- I have some pictures at
16 home on my computer of 2009 when it was flooded, and
17 Anderson Drive, I think out in front of the Lanes'
18 property, was flooded all the way across the road.
19 It's kind of funny, humorous, we have a large
20 bullfrog that inhabits the drainage ditch, the pipe
21 underneath or right at the corner of our property.
22 The water is always there.

23 MS. KRUMM: What have you done to solve
24 this problem?

1 MR. BAUMER: Nothing. I don't know what I
2 can do. I've talked to neighbors about it. Like I
3 said, I guess I was not aware that anything could
4 be. Probably I should have spoke up before now,
5 but, again, it was a gradual problem. It didn't
6 just suddenly occur. It evolved over time.

7 MS. KRUMM: Thank you.

8 MR. SCHABACKER: So, Larry, the problem
9 that you're having out there is apparently like a
10 lot of folks -- and I think you've already answered
11 this, but have you talked to your township road
12 commissioner about the problems you have there?
13 Because whether not this goes through tonight --
14 whether or not this goes through tonight, you still
15 have a problem there.

16 MR. BAUMER: Uh-huh. (Affirmative
17 response.)

18 MR. SCHABACKER: And I assume you probably
19 have, but have you talked to your township road
20 commissioner about those issues? Because I know
21 they --

22 MR. BAUMER: Just very recently, yeah.

23 MS. KRUMM: And can I ask you how
24 recently?

1 MR. BAUMER: Just the last few days.

2 MR. SCHABACKER: Okay. All right. And so
3 did they give you any thoughts?

4 MR. BAUMER: Not definite, no.

5 MR. SCHABACKER: Okay. All right.

6 Thanks.

7 MR. VANLAAR: Any other questions from the
8 board at this point?

9 (No response.)

10 MR. VANLAAR: Any questions from the
11 audience that you would like to ask Mr. Vollmer?

12 (No response.)

13 MR. VANLAAR: Thank you, Larry. You may
14 sit down.

15 MR. VOLLMER: Thank you.

16 MR. VANLAAR: Anybody else that would like
17 to speak against this?

18 MR. WIRTH: I didn't sign in that I wanted
19 to speak, but I guess I have a question for the
20 board.

21 MR. VANLAAR: Well, if you -- why don't --
22 did you sign in?

23 MR. WIRTH: No, I did not.

24 MR. VANLAAR: All right. Could you please

1 sign in? There's a small piece of paper right here
2 at this table, up front here, sir.

3 You may speak at this time, Mr. Wirth. I
4 can answer one of your questions.

5 MR. WIRTH: Duane Wirth, 2600 Andy's Lane
6 again.

7 MR. VANLAAR: All right.

8 MR. WIRTH: I had talked to Mr. Lee. On
9 two separate occasions I personally called him
10 because my sister is the one who has property just
11 down the road from me and next to Steve.

12 MR. VANLAAR: Duane, Mr. Lee was the
13 previous road commissioner.

14 MR. WIRTH: Mr. Lee is the road
15 commissioner?

16 MR. VANLAAR: Previous road commissioner.

17 MR. WIRTH: And in talking to him and
18 showing him the problem, he said that there was
19 nothing that he could do. And I kind of question
20 that because I thought maybe if some of the culverts
21 were a little bit bigger or worked or whatever,
22 maybe it would have helped, but he said that wasn't
23 his problem. So we did consult with him at that
24 time, and I did -- like I say, on two different

1 occasions, and that was the answer that I received
2 from Mr. Lee.

3 I had talked to the new road commissioner,
4 and he's going to be looking into it. And that's as
5 far as I've gotten so far, so --

6 MR. VANLAAR: Hopefully, he can give you
7 some relief.

8 MR. WIRTH: It's a possibility, yes.

9 MR. SCHABACKER: So, Duane, how long
10 ago -- how long ago did you talk to Mr. Reed?

11 MR. WIRTH: I want to say approximately
12 two and a half, three years ago.

13 MR. SCHABACKER: Two and a half,
14 three years ago?

15 MR. WIRTH: Yeah, because he was still the
16 road commissioner at that time.

17 MR. SCHABACKER: Right. Right. All
18 right. Thanks.

19 MR. VANLAAR: Okay.

20 MR. RHODE: Duane, Attorney Hursh stated
21 that about three years ago that the State put an
22 even bigger culvert to put the water under. Have
23 you noticed a big difference in the last three years
24 or not?

1 MR. WIRTH: Oh, absolutely. I've even
2 talked to Spencer, and that's -- that's definitely
3 a -- probably one of the major problems also exactly
4 why, because if you can see it when it comes, I
5 haven't seen it flood his lot, but he claimed it
6 has, and I can believe that, that it has. It's a
7 huge culvert, and like the statement earlier by
8 Steve and probably some of you have been going from
9 Belvidere to Rockford, it's really coming out of the
10 cornfield and landing on the highway. They've had
11 to come and actually clean the highway off because
12 of the dirt, there's so much water. So lately
13 there's a lot of water coming from the cornfields.

14 MS. KRUMM: I have another question.

15 MR. VANLAAR: Yes, Joan.

16 MR. RHODE: This new, larger culvert that
17 you're talking about now, when was that put in as
18 opposed to the retention pond that's there now?

19 MR. WIRTH: I can't really answer that
20 question. I only noticed it afterwards and in
21 having discussion with even Spencer, so I apologize,
22 that's how I got --

23 MS. KRUMM: Okay. That would be good to
24 know if we can know that.

1 MR. WIRTH: Sure.

2 MR. VANLAAR: Mr. Wirth, where is this
3 culvert coming through under 20?

4 MR. WIRTH: Actually, it looks -- do you
5 see where the drive comes in there? If you go done
6 a little bit --

7 MR. VANLAAR: West?

8 MR. WIRTH: Yeah, west. If you go west
9 just a little bit, I believe that may be the
10 culvert. I don't know.

11 Spencer can show you, I know that. Keep
12 going west, farther west.

13 Right there, it's right there. Yes, I'm
14 sorry. That's it. You can see it right there.
15 Pull it north.

16 MR. VANLAAR: All right. Thank you.

17 All right. You're up. Name and address,
18 please.

19 MR. ANDERSON: I'm Thomas Anderson. I
20 live at 2592 Andy's Lane, next-door neighbor to the
21 man who just spoke, and we live in that two-house
22 cul-de-sac.

23

24

(See next page.)

1 THOMAS ANDERSON,
2 having been first duly sworn, was examined and
3 testified as follows:

4 MR. VANLAAR: All right. Give us your
5 facts and opinions.

6 MR. ANDERSON: Well, I guess my question
7 probably to Spencer and the board is have you ever
8 considered maybe having this -- catch this water out
9 by the road instead having it back by the property
10 lines, closer to the property lines?

11 ATTORNEY HURSH: I'm not sure that's
12 appropriate, but quite frankly, the water that's
13 existing there now, is that what the question is
14 about? I'm just trying to clarify whether you're
15 talking about the project.

16 MR. VANLAAR: Mr. Hursh, I think he's
17 talking about the project, if it's paved, could you
18 retain it between the -- between the project and the
19 road.

20 ATTORNEY HURSH: Can we have Mr. Becker
21 speak to that?

22 MR. BECKER: Sure.

23 MR. VANLAAR: You can come over here.

24 MR. BECKER: Well, if you look, it's

1 important to note that where the culvert is is an
2 existing -- it's west of anything that's proposed in
3 this meeting. So that fact combined with the fact
4 that there's a definite setback on detention ponds
5 adjacent to the highway, there's -- I don't see how
6 there's any room to have a detention pond on the
7 north side of Mr. Hammer's building.

8 MR. VANLAAR: What -- how does that land
9 flow?

10 MR. BECKER: That land -- well --

11 MR. VANLAAR: This red parcel, how does
12 that flow? Does it flow north or does it flow
13 south?

14 MR. BECKER: It flows south.

15 MR. VANLAAR: Okay.

16 MR. BECKER: Not due south as a compass
17 would flow, but, yes, it's all from north to south
18 in general terms, yes.

19 MS. ROTTMAN: What's the setback for
20 detention along a highway?

21 MR. BECKER: It's an equation based on the
22 depth of the water.

23 MS. ROTTMANN: Okay.

24 MR. BECKER: And there's a minimum. And

1 there's like four or five different conditions, but
2 there's certainly no room -- well, one, you
3 couldn't -- for certainly you couldn't have any
4 detention in the state right-of-way, and the parking
5 lot especially has a state right-of-way now. So it
6 would be -- if this was a totally vacant lot, it's
7 probably something that could be considered, but
8 right now it would be right up against his building
9 and right in the middle of his parking lot.

10 MR. VANLAAR: Does that help you with your
11 question, sir?

12 MR. ANDERSON: Well, I guess my question
13 is, instead of moving it back by the people that
14 live there, IDOT seems to say that everything is
15 wonderful there, that what this hole that they made
16 there where all the water runs out of, that they can
17 have a pond up there. Is that right? I just
18 wondered if that wouldn't start to alleviate some of
19 the problem already.

20 MR. BECKER: Again, I don't think the site
21 has the room for a pond, but what IDOT is worried
22 about, they don't want water overtopping their road.
23 Okay? So what they do, they increase the size of
24 the pipe to let more water run underneath it. That

1 is their concern. They're not -- I've never seen
2 them waive part of the drainage standards because
3 they upsized their own culvert. So what I'm saying
4 is, no, they would still require a setback from
5 their property line even though the water is coming
6 from offsite. It's coming from the north.

7 MR. ANDERSON: Essentially, what they've
8 created; is that right?

9 MR. BECKER: Well, it was always there to
10 a certain extent.

11 MR. ANDERSON: But it's worse now.

12 MR. BECKER: It was -- it was a 30-inch
13 pipe. We have documentation on that, letters from
14 IDOT three to four years ago. I'm not exactly
15 certain the time. It was upsized to a 36-inch pipe,
16 which is why it makes a lot of sense to me that
17 problems are getting worse not only for the
18 neighborhood, I'm sure that's true, but also for
19 Mr. Hammer. Everybody downstream of that pipe. It
20 doesn't skip one property and move on to the next
21 one.

22 MR. ANDERSON: Just something that I was
23 thinking about.

24 MR. VANLAAR: Sure.

1 MR. ANDERSON: If there was another way to
2 do that or not.

3 MR. VANLAAR: That's what this forum is
4 all about. Like I said, it's a public hearing, sir.
5 Thank you.

6 MR. ANDERSON: Thank you.

7 MR. VANLAAR: You may sit down.

8 Anybody else that would like to speak?
9 Bill, you've already sworn in, but could you state
10 your -- just your name and address for the record?

11 MR. BEYER: William Beyer, 2541 Anderson
12 Drive.

13 MR. VANLAAR: All right.

14 MR. BEYER: Thank you. I'm sure you'd all
15 like to get out of here, so I'll try and not rehash
16 everything everybody else has said, but I can add a
17 little more perspective. I've been in Anderson
18 Woods for 29 years. I was the first house out
19 there, so I've been there for 29 years. My house is
20 located at the southern end of the subdivision, and
21 when you were asking questions about where water
22 flows, it all comes to me.

23 MR. VANLAAR: So you're one of those two
24 houses.

1 MR. BEYER: I'm that one right there.
2 That line to the left of it is the drainage easement
3 that I own half of and my neighbor, Natalie Hyzer
4 Barber (sp) owns the other half. So we get all the
5 water that comes down through there.

6 As far as effort, things like that, I know
7 you asked Larry what he could do about his water.
8 What I've done this year is hand mixed 280 bags of
9 Sakrete, put cement in there trying to hold that
10 ditch together just this summer. Since 2003, my
11 neighbors and I have spent over \$15,000 and several
12 hundred hours of labor trying to keep that ditch
13 intact. It's been rebuilt completely at least
14 twice, partially at least twice more because of the
15 volume of water that comes down through there. I
16 understand the new project is not going to eliminate
17 the water that's flowing down there right now. I
18 don't know that anybody can change that.

19 I have talked to township highway. I had
20 county board members out to my house. I had
21 county -- I'm not sure if the right word is trustees
22 out to my house. I talked to the IDOT engineer when
23 they redid the highway. I've talked to people at
24 the Corps of Engineers, and everybody says you guys

1 have got a real problem, with the emphasis on you.

2 Nobody has offered any solutions to help.
3 My concern, since I'm at the bottom, I don't care if
4 the water comes through the old pond or the new
5 pond. It's going to get to me. Always will. It's
6 going to get to me. Whatever you do, pass to the
7 county engineer that he needs to slow that down and
8 hold that water back and slowly release it because
9 every time it rains we get that water.

10 I did have a picture in the package that I
11 sent. I have a concrete driveway with a blacktop
12 approach that stops at the right-of-way. To the
13 center of the road there's probably a 10 to 12-inch
14 elevation change. My mailbox is pretty much the low
15 spot in the subdivision, and I think I gave you guys
16 a picture in my packet. It was a poor picture. It
17 was after dark, taken through a car windshield, but
18 there's probably 10 to 12 inches of water flowing
19 over the road. That is not an infrequent
20 occurrence.

21 So, again, whether it's the water that
22 exists now or from the new pond, anything that's
23 released quickly and allowed to come downstream
24 quickly is just going to make my problem worse than

1 it is today. That's my concern. A green space to
2 the pavement, anything that can be done to keep that
3 water upstream and slowly soaking in and manage that
4 off-flow is going to help us in the bottom because
5 we just -- we can't keep living with this. We spent
6 way more than we should have to and lot more effort,
7 and we're not done yet. I'm probably going to spend
8 another four or five hours mixing concrete by hand
9 to try and pack it around rocks and fix it so they
10 don't wash out.

11 The first time we did a totally rebuild,
12 we had 650 cubic yards of fill material and rock
13 hauled up into the place where it had washed down
14 into the farm field behind us. 65 dump trucks.
15 That's the magnitude of the problem from where I
16 sit. So, you know, whatever -- I'm asking for your
17 help. Nobody else has been able to provide anything
18 at this point. Whatever you can do to help ensure
19 that the next engineer considers the problem a
20 little bit -- I'm not an engineer. I'm not prepared
21 in any way to dispute what engineers are saying
22 other than there is no final plan. Even he can't
23 say with certainty what that flow rate is going to
24 be. We can talk about codes and detentions, but we

1 don't know. And I just want to make sure there's
2 the absolute best check possible that the absolute
3 minimal impact on us comes from any new development
4 taking away additional space.

5 I don't know what else to say.

6 MR. VANLAAR: Just a minute, sir.

7 Questions from the board?

8 (No response.)

9 MR. VANLAAR: Any cross-examining
10 questions from the audience?

11 (No response.)

12 MR. VANLAAR: Bill, you may sit down.
13 Thank you.

14 Anybody else that would like to speak
15 against this variance? Did you sign in?

16 MR. DIXON: No.

17 MR. VANLAAR: Could you sign in on that
18 little piece of paper? And then could you bring
19 that one and the other one that was just -- is there
20 another one?

21 MR. DIXON: No, there's not another one
22 here.

23 MR. VANLAAR: Just bring that slip up
24 here, would you, please, Mike.

1 MR. DIXON: Absolutely.

2 MR. VANLAAR: Thank you. Could you state
3 your name and address for the record, please?

4 MR. DIXON: Mike Dixon, 8200 Fairground
5 Road, Belvidere.

6 MIKE DIXON,
7 having been first duly sworn, was examined and
8 testified as follows:

9 MR. DIXON: I am -- obviously, you know
10 who I am. Mike Dixon. I'm the current road
11 commissioner of Belvidere Township. I was sworn in
12 on May 15th. I -- many of these problems that I'm
13 hearing tonight are the very first I've heard of any
14 them. I have talked to a few people in Anderson
15 Woods of the situation. I went out and looked at a
16 couple of things. I was told that -- the past road
17 commissioner told me there was absolutely nothing
18 could be done, and that was it.

19 It's going to be easier for me to explain
20 this if I can walk up there, if you can zoom that in
21 just a little bit, and I'll talk loud enough for all
22 of you to hear me. And if anybody wants to stop me,
23 just go ahead, or ask me any questions.

24 Zoom it out just a little bit, would you,

1 please. Okay. Just a little bit more. I want to
2 get a little bit closer view of this if you don't
3 mind. Go down a little bit. Down just a little bit
4 more, please.

5 Okay. The water -- obviously, they were
6 talking about the water that comes from the fields
7 up here, comes down to the road, comes under his
8 parking lot and between these two buildings. All
9 this water from these buildings and this parking lot
10 come under here, and there's small retention pond
11 right here that catches this water, and there is a
12 pipe coming out of that small retention pond that
13 comes and then it comes between these two houses.
14 The problem that they're talking about is that this
15 retention pond, if you could call it that, is very
16 small, and I know they talked about it being rebuilt
17 and whatnot. It overflows because the pipe -- the
18 pipe that's coming out of it is too small, so when
19 it gets full, it overflows. All the water gets
20 between here and out.

21 The only water problem I was -- the only
22 water problem I was aware of is this right here, and
23 then they said it come -- and then this water has to
24 turn and go under here and turn and go under here,

1 and it comes around and it goes down to there.
2 Everything farther than that, I had no clue of it
3 whatsoever. These ditches, all of this -- all of
4 this and this ditch and this ditch all the way
5 around from all that dirt coming from those fields
6 ends up here, and over a period of time silt -- and
7 these ditches get fuller and fuller. So, A, it
8 slows it, water flow down; B, it -- because it slows
9 the water flow down, obviously it just keeps backing
10 up and up, and then it ends up up here.

11 So the people that I talked to, I did look
12 at this -- I looked at this culvert, and I looked at
13 this culvert right here. They are silted in very
14 badly, so what I suggested was is trying to dig out
15 these ditches right here to get this to turn. The
16 problem is, whoever designed this, I have no clue
17 why they didn't put one right here and make this
18 water go straight under the road and then go around
19 this way where it belongs. I have no clue.

20 The questions that I've been hearing about
21 these -- about this new part that's going to be --
22 now, if you don't mind answering my question for me,
23 this new part that's going to be done where this new
24 retention pond -- a lot of the questions I'm hearing

1 is, is this water from here going to end up in
2 there. Is that -- that's the questions. That's the
3 questions I've been hearing. That's -- I don't know
4 if I ever heard a point blank answer. The citizens
5 are worried about this water not ending up in this
6 retention pond, and so this would be more of a
7 problem because this water coming out of here would
8 catch up with this water, and this is already the
9 problem. So I think that one of the biggest
10 questions I'm hearing is, is this water going to end
11 up in this retention pond first before it ends up
12 out here. Do you know that for --

13 MR. BECKER: Well, to answer your
14 question, no, the water that goes into the existing
15 retention pond --

16 MR. DIXON: Here.

17 MR. BECKER: -- would continue to go
18 into --

19 MR. DIXON: Okay. So the stuff coming out
20 of here will end up with this and then out.

21 MR. BECKER: That's part -- and I realize
22 that there was comments that it would be nice to
23 have all the calculations and things like that, but
24 that is one design option. We need all the

1 information from this meeting to finalize the design
2 to go to the county engineer. Another option would
3 be to keep the ponds completely separate and
4 actually have a berm between the ponds. The problem
5 with that is you have an additional discharge point.
6 You're not creating more water, but it's coming out
7 of two spots instead of one.

8 MR. DIXON: So I think a lot of the
9 questions I'm hearing tonight is, would it be
10 possible to get this water into this pond first and
11 then discharge it slower out of there into this, so
12 you're not getting a double whammy here. You're
13 getting -- you're not getting water out of here plus
14 the water out of here. You'd be getting all of this
15 going into this one somehow which would be -- it
16 could be done, and then discharge it out of there
17 where it needs to go naturally.

18 MR. BECKER: Well, my problem with that is
19 then you're just creating a new problem by the new
20 location you're discharging, because now it's going
21 to be discharging out of that pond in a location it
22 wasn't before. What we could do is modify the
23 existing outlet to make sure that -- what we will
24 have to do is modify the existing outlet to make

1 sure that after construction the release is slower.
2 The release doesn't depend exactly depend on exactly
3 where it's at. It depends on the size of the pipe
4 and the head water and things like that.

5 MR. DIXON: Yeah, you've got to control
6 the flow, and you can't -- and then you've got to
7 make sure that the pipe discharging it is big enough
8 so that it doesn't overflow. I think the biggest
9 problem right now is this isn't big enough. This
10 little one right here is not big enough, and the
11 pipe -- it gets too full too fast, and it overflows,
12 and then it really makes a problem.

13 MR. BECKER: And what I mentioned earlier
14 but it bears repeating is that offsite runoff that
15 comes through that 36-inch, that's allowed to be
16 bypassed through the pond. The pond needs to take
17 care of the property it serves.

18 MR. DIXON: Yeah, and it's not. It's
19 catching everything from up there. Where that can
20 go from the north side of the road, what comes down
21 to the road, I don't know where -- there's no way
22 to -- it has it go through there because that's
23 just -- that's the natural flow of the land.

24 MR. BECKER: That pipe is due north to due

1 south.

2 MR. DIXON: Yes.

3 MR. BECKER: That water is coming through
4 there no matter what.

5 MR. DIXON: Yeah, and it has to come
6 through, and then it turns and goes a little bit
7 and -- it slows it down a little bit here because it
8 has to turn and go over here and come down.

9 MR. BECKER: And actually, it's a 36-inch
10 pipe under Route 20 and an 18-inch pipe through
11 Mr. Hammer's property. So it does slow down, and
12 that's why he gets water on his parking lot. And I
13 know that doesn't help the neighbors with their
14 problems, but it is slowed, because it's a big pipe
15 going into a pipe half its size.

16 MR. DIXON: Absolutely. So whenever they
17 replaced that pipe years ago, they obviously made a
18 bigger problem. They should have put another one
19 down -- they should have made this water go down
20 there further or something, because I know there's
21 another one down there that goes under there, too,
22 someplace.

23 MR. BECKER: Well, since we're talking
24 about it, I'm not exactly sure why the engineer for

1 the subdivision -- those culverts are significantly
2 smaller. So your pipe downstream is getting
3 smaller.

4 MR. DIXON: And that's part of the
5 problem. The subdivision has been there for
6 29 years. The ditches have silted in dramatically
7 over the years, so there's problems there. However,
8 what the gentleman a few minutes ago was talking
9 about with this down here, I don't know -- and,
10 again, all this right here, he said everything goes
11 through here. So unfortunately -- and I'm -- if you
12 make this go better up here, it's just going to get
13 down here faster. So this needs to be looked at as
14 well as far as how to make this disappear faster. I
15 don't know how.

16 MR. SCHABACKER: Mike, do you know if
17 there's an easement through there on those
18 properties, whether they have a runoff easement down
19 at the bottom? I think Bill --

20 MR. BEYER: Yes, there's a 10-foot
21 easement there.

22 MR. SCHABACKER: So there's a 10-foot
23 easement there where the county or whoever could
24 come in there and work on that.

1 MR. BEYER: When I talked to the highway
2 engineer about that previously, I was told that
3 that's a drainage easement, but that is mine. If
4 there's a problem there, it belongs to me and my
5 neighbor. And he'd fixed it. As soon as it washed
6 the road out, he'd repair the road, and that would
7 be the extent of what he would do.

8 MR. SCHABACKER: I never heard of an
9 easement belonging to the public.

10 MR. DIXON: Yeah, the easement belongs
11 to --

12 MR. SCHABACKER: That's the whole purpose
13 of an easement.

14 MR. ANDERSON: Can I get check for the
15 concrete I put in there?

16 MR. DIXON: Unfortunately, I -- and I'm
17 standing up here holding you people up from going
18 home, and I have -- like I said, I was sworn in on
19 May 15th. I was -- up until three weeks ago I had
20 no clue of any of these problems.

21 MR. SCHABACKER: You inherited it.

22 MR. DIXON: Yes, thank you. I will go and
23 look at it. I will do my best to try and see what I
24 can do to try and help you guys out now, but I know

1 the biggest question I've been hearing over and over
2 was up further as far as that one, that this
3 water -- if this water could be caught up with that
4 water when this is all done, and if there's any way
5 it could be done, I mean, you know, to slow the flow
6 down, then actually that could be something that we
7 could probably try to look into.

8 But I don't have any other -- if anybody
9 has any other questions or wants --

10 MR. SCHABACKER: Well, I do, and this
11 might be more for the engineer. There's no way you
12 can incorporate the existing pond, retention pond
13 with the new one so it's all one.

14 MR. DIXON: That's what I was asking.

15 MR. BECKER: There absolutely is a way to
16 incorporate that. It's got positives and negatives
17 like any design. Again, that's why -- and I don't
18 mean to reiterate, but the conversations and the
19 votes on the variance that to this point we could
20 have a finalized detention design, which is why the
21 county engineer recommended -- I mean, his
22 recommendation was simply that. It's going to have
23 to be reviewed by the county engineer after it gets
24 to this meeting. Then we can do the design, and

1 then he reviews it, and not until all those things
2 happen is a permit issued.

3 MR. SAVINO: I think we're getting a
4 little off. I understand there's a water problem,
5 but I think we need to really look at the variance,
6 the setbacks that we're talking about, because
7 technically we're looking at just this property
8 right now, does this employment cause more problems.
9 Now technically, the engineer is going to say yes,
10 no, this is good, and it's not going to be will it
11 or won't it. We don't know technically. He's going
12 to have to approve it saying that it does not. So
13 we need to really look at the variance as do we
14 approve setbacks, do we approve everything that he
15 wanted, yes, the construction materials, and we
16 decide that, and then that water issue, that's
17 completely separate from what we're looking at
18 tonight.

19 Now, is it going to create more problems
20 in there? If we say yes and it gets passed on, the
21 county engineer is going to have to say no, this is
22 not going to cause more problems. Will it or won't
23 it? It's really up to the county engineer.

24 MR. SCHABACKER: This was important for us

1 to discuss this tonight because that's why
2 everybody's here. Even though it might be going a
3 bit long, we have to take that time.

4 MR. VANLAAR: We have to listen to --

5 MR. SAVINO: I understand.

6 MR. SCHABACKER: I'm on the page with you,
7 but we have to take care as much as we can.

8 MR. SAVINO: I understand that part, but
9 I'm saying from our --

10 MR. VANLAAR: From our perspective, it is
11 just the variance.

12 Joan.

13 MS. KRUMM: The new parcel that's going to
14 close on the -- September, that you purchased, is
15 that this parcel over here?

16 ATTORNEY HURSH: It's the parcel where the
17 cursor is moving now.

18 MS. KRUMM: Okay. Wouldn't it work
19 eventually to just move this whole retention pond
20 over to that?

21 ATTORNEY HURSH: Can I ask Nick a certain
22 question that I think will answer all of this?

23 MR. VANLAAR: Sure.

24 ATTORNEY HURSH: Nick, as the engineer on

1 this project, you promise you're going to work with
2 the county engineer to come up with the best
3 possible water detention and detention plan to help
4 avoid problems of water being poured into Anderson
5 Woods?

6 MR. BECKER: Yes.

7 ATTORNEY HURSH: If that's what it takes,
8 then that's what we'll do. It's all got to be
9 approved by the county engineer.

10 MS. KRUMM: With the next parcel you would
11 do that?

12 ATTORNEY HURSH: Yes.

13 MS. KRUMM: Because if he says it can be
14 moved over this way, then it could be moved over
15 into another parcel that's not even developed at
16 all.

17 ATTORNEY HURSH: It's possible it could be
18 looked at, yes. Use best practices.

19 MS. ROTTMAN: In our recommendation we
20 state that clearly that all appropriate agencies
21 have to review this and amendments. If amendments
22 to need to be made, they need to be made before a
23 permit can be approved.

24 MS. KRUMM: I don't see how we're ready to

1 vote for this tonight.

2 MR. VANLAAR: Anybody else that would like
3 to speak against this?

4 (No response.)

5 MR. VANLAAR: I guess I just want to say
6 that hopefully we can figure -- they can get
7 something figured out that works for Spencer, but I
8 don't want to see all that water to -- instead of
9 where it's already at.

10 MR. VANLAAR: Understood. Understood.

11 Anybody else? Yes.

12 MR. MORSE: I'd just like to make a
13 comment.

14 MR. VANLAAR: And you already signed in?

15 MR. MORSE: Yes.

16 MR. VANLAAR: You're a long ways from
17 home.

18 MR. MORSE: I am. Raymond Morse, 199112
19 Poplar Grove Road.

20 (Whereupon, Mr. Morse was again
21 sworn.)

22 MR. MORSE: I understand this. I get it
23 for all you people. I'm a farmer, and I think --
24 this is just my opinion, but I think it needs to go

1 farther to the north. I don't think this is all
2 your problem. I think it's the farmland on the
3 north side. There needs to be some conservation
4 work done, something else before it gets to you
5 guys, and then you can all work together and come up
6 with a plan to save your property and your values.
7 But I think it has to be done before it gets to
8 Highway 20, and that's all.

9 MR. VANLAAR: There's not enough room
10 between Highway 20 and the subdivision to take care
11 of that water.

12 MR. MORSE: Exactly. It all comes down to
13 soil conversation and water.

14 MR. VANLAAR: Drain tile.

15 MR. MORSE: Thank you.

16 MR. VANLAAR: All right. Anybody else?
17 If not, we'll give it back to the board to -- are
18 you ready to close the public hearing?

19 MR. RHODE: I wouldn't close it yet.

20 MS. ROTTMANN: No.

21 MR. SCHABACKER: No.

22 MS. KRUMM: I wonder whether we can just
23 pass this for another month and see if they can work
24 on this.

1 MR. SAVINO: Yes.

2 MR. VANLAAR: Well, that's --

3 MR. SAVINO: Here was my thought because I
4 was thinking kind of Joan's -- I know they probably
5 want probably to get going on it, and I understand.
6 There's one concern I had with the 30-foot setback.
7 I don't know that I would vote yes for that. So if
8 they came with a 45 on this drawing and that's
9 better, am I in love with it? I don't know.
10 They're so close to the road. But I was wondering
11 if they could come up with something that would
12 maybe help the neighbors see more of a drainage and
13 help us as a board. Steve brought up the concern on
14 here. With a further setback off the road, the best
15 retaining pond with more of a finalized plan, and
16 maybe we can discuss it. As far as setback, if they
17 want to go a 30-foot setback, is everybody okay with
18 30-foot or does somebody have a different number in
19 their mind? Does it have to be 75? Kind of give
20 direction on a more concrete plan of what would
21 still work so they're not wasting their time, but
22 then we can see, okay, yeah, this is what we
23 discussed and some concerns.

24 MS. KRUMM: I don't want to have to vote

1 on this tonight. I don't think we have enough
2 information. And they're saying they can help and
3 do something. Steve says he wants to see something.
4 This is a great idea to give us an idea what they're
5 thinking about, but it does not say what it is.

6 MR. VANLAAR: But doesn't -- our job is
7 not necessarily the calculations of an engineer.

8 MS. KRUMM: But how can we vote on
9 something that we don't have information on.

10 MR. SAVINO: So we're voting on --

11 MR. VANLAAR: Where would the buck stop?
12 I mean, if -- I would have liked to have seen the
13 engineer's calculations. Absolutely. I'm an
14 engineer. I would love to see them.

15 MR. SAVINO: But that's not for us.

16 MR. VANLAAR: That's not for us. That's
17 something that -- you know, it's something that I
18 would have even liked to have seen Justin weigh in
19 on even before -- before it came here because of
20 this issue. But that's not -- that's not the
21 current process of Boone County.

22 MS. ROTTMAN: It's not, that's correct.

23 MR. VANLAAR: And that is -- it's not.
24 It's not the process of Boone County. There are

1 still facts that are -- Boone County still -- the
2 process of Boone County still allows facts to be
3 given after the ZBA meeting, and that's -- there's
4 nothing that I can do about it or we can do anything
5 about it unless the county board or -- and/or
6 state's attorney changes the process.

7 MR. SAVINO: So tell us what we need
8 tonight. What do we need to make our -- the setback
9 from 75 to 30.

10 MR. VANLAAR: It's the -- it's basically
11 the variance.

12 MR. SAVINO: Right, which is the setback
13 from 75 to 30?

14 MR. VANLAAR: Yep.

15 MR. SAVINO: The construction materials
16 going from --

17 MR. VANLAAR: Yep, and to allow parking.

18 MR. SAVINO: Right, get rid of the
19 parking.

20 MR. VANLAAR: Get rid of the parking.

21 MR. SAVINO: Right.

22 MR. VANLAAR: I mean, it's -- it feels
23 like our hands are tied. I don't like it as much as
24 you guys don't.

1 ATTORNEY HURSH: Can a I say something?

2 MR. VANLAAR: Sure.

3 ATTORNEY HURSH: The problem with trying
4 to come up with a final product is we don't know
5 what surfaces you're -- you know, that's not been
6 changed. So even if we had walked in here's what it
7 is, here's your final product, it just changed
8 because we don't know what the surfaces are. That's
9 the reason for it. That's why -- that's why we
10 can't come in with -- and we're all sensitive to the
11 water issue. We all are. We want it solved as much
12 as they do, but I don't think that you can hold poor
13 design in the past against this project. This
14 project is going to be designed, hopefully, in a
15 fashion that's going to help them out.

16 MR. VANLAAR: Understood. Understood, but
17 the fact -- the fact is facts will be known at a
18 certain time before you're given the right -- if
19 this is passed, before you're given the right to
20 construct, and those facts come after the ZBA.
21 That's what we're struggling with here.

22 ATTORNEY HURSH: Well, all the evidence
23 presented tonight, that's got to be considered by
24 yourselves and the county board and --

1 MR. VANLAAR: That's understood. So we
2 base our decision based on the facts that we hear
3 tonight and the testimony we hear tonight. Then our
4 conscience is clear.

5 ATTORNEY HURSH: Correct.

6 MR. SAVINO: I think as far as the water
7 issue goes, the more I heard the more it's a
8 long-term problem, and I think Ray summed up a lot
9 of it right there. It's coming from across the
10 street. I don't think it's coming so much from the
11 second building going up. I think the engineer will
12 come up with a detention pond that's fine. So
13 really it's the setbacks, the steel, and the
14 parking.

15 MR. SCHABACKER: I agree. I think you're
16 right.

17 MR. VANLAAR: And I would advise the -- if
18 this goes through, I would advise the -- advise the
19 concerned citizens to be on top of it and to -- and
20 to have every waking hour conversation with the
21 county engineer to make sure that he's got all of
22 his I's dotted and T's crossed.

23 MR. SCHABACKER: One of the good things,
24 too, with your road commissioner, that was very nice

1 of him to show up and throw in his two cents of
2 concern, which they didn't have before.

3 MR. SAVINO: I think it was constructive
4 for them.

5 MR. VANLAAR: So are you ready to close
6 the public hearing?

7 MS. KRUMM: No.

8 MR. SAVINO: Why don't we go through these
9 points one more time and then close it.

10 MR. VANLAAR: Well, it's up to you guys.

11 MR. SAVINO: Yes, let's discuss a little
12 bit more if there's questions. Request for the
13 relief from prohibition from parking in the front
14 yard. So they want to park not just in the front.
15 Are we okay with granting that variance? It's a
16 storage unit, so they have to drive all around it.
17 I personally am fine with that.

18 MS. KRUMM: Regardless of what you want,
19 I'm going to vote no on the whole thing.

20 MR. SAVINO: Okay. Then still discuss
21 what we're talking about.

22 MS. KRUMM: How can you -- we've been
23 listening to it for an hour and a half. There's a
24 big problem with this whole problem -- with this

1 whole project. So it ought to be voted no.

2 ATTORNEY HURSH: Are we still open?

3 Because I'd like to ask Joan some questions then.

4 MS. KRUMM: Sure.

5 ATTORNEY HURSH: If I may.

6 MR. VANLAAR: Sure.

7 MS. KRUMM: Ask me all you want.

8 ATTORNEY HURSH: Are the problems you're
9 talking about the water problems? Because that's
10 not this project.

11 MS. KRUMM: No, the problem is the people
12 that have to put up with this project.

13 ATTORNEY HURSH: Okay, but that's not --
14 that water is not going to go away because of this
15 project.

16 MS. KRUMM: It's not going to be helped.
17 I don't see any reason to make it worse.

18 ATTORNEY HURSH: But we have explained to
19 you tonight through engineering how it could get
20 better. That's what -- I guess what I'm trying to
21 say.

22 MS. KRUMM: Could is not what I vote on,
23 could. I vote on what I see that I can believe. I
24 can't believe -- I believe that he can do a good

1 job, but I'm not seeing it to vote on it.

2 ATTORNEY HURSH: Then, Joan, can I ask you
3 how is it that this project -- if it could be done a
4 good job and it's going to be effective, how
5 is that -- how can you hold that against Mr. Hammer
6 and this project when that existing water problem he
7 didn't create, that's already been there? We now
8 know it's created through IDOT. I don't understand
9 how those two things are linked, this project and
10 that issue.

11 MS. KRUMM: I do not understand why a
12 person would want to start this with knowing
13 everything that we have heard tonight, why they
14 would want to go with it until this is resolved to
15 the point that somebody can be -- feel good about
16 voting for it. I cannot feel good about this.
17 Everybody that has a problem, it's no different than
18 the windmill thing. If you're affecting people's
19 lives, I vote no.

20 ATTORNEY HURSH: Okay. Then how is this
21 project affecting their lives in any different way
22 than their lives are affected now?

23 MS. KRUMM: It's not making it better.

24 ATTORNEY HURSH: Okay. Is it up to

1 Mr. Hammer to make their lives better through this
2 project?

3 MS. KRUMM: No, but it's not up to me
4 either.

5 ATTORNEY HURSH: No further questions.

6 MR. VANLAAR: So the variance that they're
7 looking at is, as Mr. Savino had started, is to
8 deviate from the exterior construction material
9 standards, to allow parking in the front yard of the
10 lot, and to reduce front yard setback from 75 to 30.

11 MR. SCHABACKER: From the setback, I don't
12 see that as being necessary. I think 75 is what the
13 regulations are, and I feel that's what it should
14 be. 75 is the setback. If you look at all those
15 buildings along there, everything is 75-foot. If
16 you look up and down the highway, it's all 75. So
17 why -- I can't understand why we would want to do it
18 less than that.

19 You know, if you have a building that's
20 too big for the lot, you need a smaller building or
21 a bigger lot. So my opinion is that 75 -- I would
22 have probably -- that 75 in my opinion should be
23 maintained. Is there reason for it? And I can't
24 see the reason why we would lessen that. Again,

1 that's just my opinion.

2 MS. KRUMM: My problem is if I vote yes
3 and this goes on, it just never gets resolved. And
4 since we are locked in with what we have to -- with
5 the information we have, there's just no way to put
6 people in this situation, and I don't think
7 Mr. Hammer is really happy about this at all. I
8 don't see how he could be.

9 MR. VANLAAR: Yeah, we don't know that,
10 Joan.

11 MR. SAVINO: Can I get your opinion, Joan,
12 just on the setback? What do you think?

13 MS. KRUMM: 75 feet.

14 MR. SAVINO: If he went 50 feet, would you
15 say --

16 MS. KRUMM: 75 feet, when you look at
17 spots going -- when you start moving, whoop, this
18 goes here. They're all in a row. Leave them all in
19 a row.

20 MR. SCHABACKER: I don't see the need for
21 less than 75. That, again, I'm just kind of
22 repeating myself.

23 MR. SAVINO: Yeah.

24 MR. SCHABACKER: But the reason they need

1 the 75 is the layout -- or I'm sorry, less than 75
2 is for the layout and the buildings.

3 MS. KRUMM: Well, will it big enough for a
4 new pond?

5 MR. SCHABACKER: If that would be
6 considered a hardship, that's self-imposed in my
7 opinion. You know, just like I said, if you want a
8 bigger house, get a bigger lot.

9 MR. SAVINO: I'm not opposed to 30. I
10 don't know if I would be opposed to it being moved
11 forward some. I mean, I've seen (inaudible) closer.
12 How much closer? Is that 60? Something there like
13 that don't bother me unless it's really close. 30 I
14 think is close.

15 MR. VANLAAR: 30 is very close, and they
16 came to us with an unofficial spec, unofficial
17 schematic that appeared that even 45 was okay. So,
18 certainly, 30 is not --

19 MR. RHODE: 30 would be one thing if it's
20 on a county road. This is a state highway.

21 MR. VANLAAR: Or on a township road.

22 MR. RHODE: Right. Even a county road I
23 think that would be too close. A township road,
24 yes, but a state highway, no. It's awful close.

1 MS. KRUMM: We should not get (inaudible)
2 out. If we close the public hearing and we have to
3 vote on it, he's done. I hope you know that.

4 ATTORNEY HURSH: I'm not sure if she just
5 voted for everybody or not.

6 MR. VANLAAR: She didn't vote for me.

7 MS. KRUMM: No, I don't vote for anybody.
8 I just say what I think.

9 ATTORNEY HURSH: Joan, I have always
10 appreciated that. You know I've always appreciated
11 that.

12 MR. SCHABACKER: That's part of the job.

13 MS. KRUMM: It is part of the job. It may
14 not be a popular opinion, but it is the way it is.

15 MR. VANLAAR: Well (inaudible.)

16 ATTORNEY HURSH: (Inaudible) 45-foot
17 setback. The reason we went 30 was because of these
18 water issues, to try to be able to put a -- the
19 retention pond big enough. That's what it needed.

20 MS. KRUMM: All the more reason.

21 ATTORNEY HURSH: So that's why it was done
22 that way. 45 would work. If that's going to be an
23 amendment to the recommendations, then no problem
24 with that.

1 MR. SAVINO: Where do you fall, Brian?

2 MR. VANLAAR: I am in line with the --
3 with the fact that this is a state highway, and it
4 needs -- it needs proper setbacks.

5 MR. SAVINO: And proper is 75 to you?

6 MR. VANLAAR: It would be closer to 75
7 than 30, yes, or 45.

8 MS. KRUMM: 45's not good enough?

9 MR. VANLAAR: No. It just doesn't seem
10 like -- I understand IDOT, that that's future.
11 That's something we're -- we don't need to consider
12 here because we have no facts on that. But the fact
13 is currently all the buildings in that area --
14 granted, there could be a farmhouse that's closer or
15 something like that, but all the buildings are at a
16 proper setback. And if it's -- if it's something
17 that this county -- this county believes pretty --
18 holds pretty tight to this I-20 corridor. You know,
19 it's something that a lot of people look at.
20 There's a lot of traffic, and I think if we go -- if
21 we start setting variances on this -- on this state
22 highway willy-nilly, so to speak as an unofficial
23 term, I think it's an eyesore.

24 MS. KRUMM: I have one more thing to say.

1 MR. VANLAAR: Really?

2 MS. KRUMM: I like this project. I just
3 don't think I'm ready to vote on it. There's not
4 enough -- I think it's a great idea but just not
5 ready.

6 ATTORNEY HURSH: Would you be satisfied if
7 the engineer sat down with the county engineer, the
8 engineer that's here tonight, to come up with -- the
9 probably is whether they come up with four different
10 scenarios, five scenarios, two scenarios, are we
11 going to use asphalt. I mean, that's part of the
12 issue, but would that satisfy your -- I don't want
13 to say curiosity but your need for that information?

14 MS. KRUMM: If it was not done tonight and
15 they had time to do it so I could look at it,
16 absolutely. But to do it tonight, I can't. And I
17 would hate to turn his project down by not having
18 the information, or figuring out is it 75 feet, or
19 his new project next door that could possibly solve
20 the whole problem. Maybe he could put in Lake
21 Spencer.

22 MR. VANLAAR: Mr. Hursh, I think -- and
23 I'm not speaking for the whole board, but what I'm
24 hearing from a couple members here is the 75 feet is

1 pretty -- is something that we want to hold the
2 integrity of this I-20 corridor. I'm not speaking
3 for everybody here.

4 ATTORNEY HURSH: I understand.

5 MR. VANLAAR: But I've heard of I think
6 two people now.

7 ATTORNEY HURSH: I understand.

8 MR. VANLAAR: Okay?

9 MR. SAVINO: I'm close to 75. I just
10 think 30 is short. 45 is --

11 ATTORNEY HURSH: I'm just afraid that a
12 full 75 feet is going to cause a problem for the
13 retention pond.

14 MR. VANLAAR: Understood. That's the
15 problem.

16 MS. KRUMM: That is the problem.

17 ATTORNEY HURSH: If there's a way to get
18 around going that close --

19 MR. SCHABACKER: It doesn't cause a
20 problem for that -- the building is too big. If you
21 didn't have that large of a building --

22 ATTORNEY HURSH: Or more land.

23 MR. SCHABACKER: -- or more land, it will
24 meet that. It's just -- and, again, I can

1 understand the desire of trying to turn a profit.
2 That's our way. We all want to make money. But,
3 the building fit. If you want these buildings --
4 and I can understand why. And I have seen a lot of
5 this in my years of working in Boone County. These
6 buildings don't fit that size of the lot. They're
7 too big. That's why you need the variance. What
8 else is the problem? And, of course, you have to do
9 retention.

10 So in my opinion the 75 is an easy call.
11 The building is a little bit too big. You need to
12 rearrange the buildings like you had them to start
13 with, and that way you cut them back and still keep
14 some of the storage units. The first drawing I seen
15 was 130. This is 159. Just make it fit the lot
16 like many builders do. In the years you know that
17 I've worked here, the builders make the lots fit --
18 or, I'm sorry --

19 MR. VANLAAR: The buildings fit the lot.

20 MR. SCHABACKER: Yeah, thank you.

21 ATTORNEY HURSH: Sometimes they do it the
22 other way, too.

23 MR. SCHABACKER: Sometimes they do it the
24 other way. But, anyway, that's my two cents. And

1 like I said, I think this project is a good project;
2 however, I don't like going under 75 feet. I don't
3 see the need. It's not -- we talked about the
4 self-imposed hardship, right? It can't be a
5 self-imposed hardship. In my opinion this is a
6 self-imposed hardship. The building is too big.

7 MR. VANLAAR: Trying to put too much in a
8 small bay.

9 MR. SCHABACKER: I don't mean to keep
10 going over it, but to me it's an easy call, so --

11 MS. KRUMM: How about postponing?

12 MR. VANLAAR: Would you guys -- I guess as
13 chairman, I'd be willing to postpone this if you
14 guys want to take another shot at this.

15 MR. BECKER: I guess my concern is -- and
16 I understand the need for more information. I guess
17 my point is if I had calculations approved by the
18 county engineer and everybody was happy based on our
19 drawing and, you know, then the variance was denied
20 and it kept at 75 feet, those calculations are --
21 they're not worth anything. So that's -- the
22 variance determines the size of the detention pond
23 because it determines how much green space there is.
24 So that's -- to do a design we need some sort of

1 direction on what room we have to work with. So
2 that would -- it's not -- it was never our intention
3 to submit an incomplete submittal, but that was kind
4 of point, that if we have perfect calculations, the
5 information you're asking for, and then that's --
6 that's only -- either the variance is approved or
7 not approved unless we do scenario A and scenario B
8 and scenario C and different calculations for each.
9 We can't get more -- we can't provide more
10 information until we're given --

11 MR. VANLAAR: What's the largest setback
12 you can live with?

13 MR. BECKER: Well, I don't think there
14 would be -- obviously, I don't think -- the code
15 says 75, but every foot of variance that you grant
16 allows more green space on the south side of the
17 property. So --

18 MR. VANLAAR: And allows more green space
19 on the north side of the property, too.

20 ATTORNEY HURSH: And the neighborhoods to
21 the south.

22 MR. BECKER: True.

23 MR. VANLAAR: True, but there's water
24 absorption to the north as well. So --

1 MR. SAVINO: I think 75 is pretty close to
2 what they have to stick with from talking to
3 everybody up here.

4 MR. SCHABACKER: If we pick up 75, then
5 they kind of know where they stand as far as the
6 design, the building and stuff like that. Without
7 that knowledge, I agree --

8 MR. SAVINO: I understand.

9 MR. SCHABACKER: -- without that feedback
10 from us, they don't know which way to go.

11 MR. SAVINO: So am I the only one talking
12 about a few feet.

13 MR. VANLAAR: 73? Every foot is just more
14 green space between the neighbors, the project, and
15 helps with the retention.

16 MR. BECKER: The drawing in the packet I
17 don't believe had a 75-foot setback either. I think
18 that was closer to the property line.

19 MR. SCHABACKER: Well, the drawing in the
20 packet, the first one we got, that doesn't even --
21 it's not even to scale. Do you see what --

22 ATTORNEY HURSH: No, it's not. That's --
23 that's --

24 MR. SCHABACKER: Again, I agree that's

1 what he said was the 75. It didn't show anything.

2 ATTORNEY HURSH: True. We were relating
3 it to the driveway.

4 MR. VANLAAR: They do have 75-foot to the
5 front of the building.

6 MR. SCHABACKER: Right.

7 MR. VANLAAR: In that original drawing.

8 MR. SAVINO: Is that what it is?

9 MR. BECKER: I don't believe that
10 dimension --

11 ATTORNEY HURSH: I think that was to the
12 center of the street.

13 MR. SCHABACKER: Yeah, I don't think that
14 75 is correct.

15 ATTORNEY HURSH: Again, that was just a
16 schematic to show the concept of the use. It was
17 never ment to be to scale.

18 MR. SCHABACKER: But I think it shows the
19 30 there. It shows the 30, and that's what we're
20 asking for, the original 30. That 75 that's out
21 there takes it out there probably to the center of
22 the road.

23 ATTORNEY HURSH: Yes.

24 MR. VANLAAR: So it's up to you guys.

1 MR. SAVINO: So we could just say no to
2 the 75 feet or vote on 70-foot rather than 75-foot,
3 yes for brick, yes for parking, and it goes on.

4 MR. VANLAAR: Yes, right.

5 MR. SAVINO: And then we're done.

6 MR. VANLAAR: And just say no to the
7 30 feet, keep it at 75.

8 MR. SAVINO: We can change it and move it
9 on.

10 MS. ROTTMAN: The buck stops here. Then
11 it goes to staff. That's all it does.

12 MR. VANLAAR: Well, it goes to staff, and
13 then it goes to the county engineer.

14 MS. ROTTMAN: Correct. So after the
15 zoning, it goes to the health department,
16 engineering, building, all of those parts of it.

17 MR. VANLAAR: So we can close the public
18 hearing.

19 MS. KRUMM: I think it's up to the
20 petitioner if he wants to continue with it or
21 postpone.

22 MR. VANLAAR: If he wants to change the
23 75-foot?

24 MR. SAVINO: Well, either way, we can vote

1 on it tonight, come up to 75 feet, or we can change
2 it to 75 feet. Either way.

3 MR. VANLAAR: And be done.

4 MR. SCHABACKER: Yep, I agree.

5 MR. VANLAAR: Then however it flushes out,
6 it flushes out.

7 MS. ROTTMAN: Checks and balances farther
8 down.

9 MR. RHODE: I think if you start playing
10 with this setback along an existing highway, we're
11 opening up a can of worms.

12 MR. SAVINO: 95 feet, Brian.

13 MR. VANLAAR: You can't increase it.

14 MR. SAVINO: Or we could make it 70 feet.

15 MS. KRUMM: No. I think it looks nice all
16 in a row.

17 MR. SAVINO: I think if I make the motion,
18 we just need to vote it now.

19 MS. KRUMM: That's why once -- if that's
20 what they want to do.

21 ATTORNEY HURSH: I think if we had -- I'm
22 sorry.

23 MR. SAVINO: Real quick. We've got to
24 change the findings, too, as we go so we know. If

1 we're going to vote no for the 30-foot setback --

2 MS. ROTTMAN: Yeah, it would be --

3 MR. VANLAAR: No, not necessarily. The
4 findings --

5 (Several board members speaking
6 at the same time.)

7 MR. VANLAAR: We haven't closed the public
8 hearing. The findings of fact --

9 MR. SAVINO: If that is not a self-imposed
10 hardship, then we have to make sure that's going to
11 match everything. Then we'll know.

12 MR. VANLAAR: Yeah, that's a technicality.
13 The findings of fact -- if you plan on voting no on
14 this whole thing, then the findings of fact is
15 wrong.

16 MR. SAVINO: Oh, I see what you're saying.

17 MR. VANLAAR: But to vote to -- to say
18 that the 75 feet is -- you have to adhere to, I
19 don't see where that would -- where that finding of
20 fact -- I mean, we're just following the -- we're
21 just following the code.

22 MS. ROTTMANN: If you believe five, strike
23 approval and say denial of the recommendations. And
24 then he has to comply by it. That's how --

1 MR. SAVINO: By clarifying --

2 MS. ROTTMAN: No, just the
3 recommendations, if you guys just want to change
4 that, because it's an appeal for the 20 overlay
5 stuff, but it's a variance for the other. So you
6 can just say denial of the variance.

7 MR. SCHABACKER: You just deny.

8 MR. SAVINO: Deny the five.

9 MS. ROTTMANN: Just change approve to
10 deny.

11 MR. SAVINO: And we could still approve
12 the brick.

13 MR. SCHABACKER: Yes.

14 MR. SAVINO: And parking.

15 MR. SCHABACKER: Yep, we've done that
16 before.

17 MR. SAVINO: Yes, strike number --

18 MR. SCHABACKER: Yep.

19 MR. VANLAAR: Number two of the
20 findings --

21 MS. KRUMM: We haven't even closed the
22 public hearing yet.

23 MR. SAVINO: We were just making sure.

24 MS. KRUMM: Okay.

1 MR. VANLAAR: Does number two of the
2 findings have any variant here? It says many
3 property owners in the B-2 business district are
4 able to meet lot and design requirements without
5 variances. This property lacks depth and has a
6 wider front yard area. B-2 zoning requirements lots
7 have to have a minimum 75 yards, 75-foot setback
8 from state, county and township highway
9 right-of-ways.

10 MR. SAVINO: So --

11 MS. ROTTMANN: So you could just stop at
12 lot frontage requirements are more restrictive,
13 period. Strike the rest of it.

14 MR. SAVINO: Strike the rest of it.

15 MS. ROTTMANN: Is that what you -- are we
16 going to close the public --

17 MR. VANLAAR: Yeah, we have to close.
18 Yes?

19 ATTORNEY HURSH: I'm being asked to ask
20 for even a 60-foot setback. Just, again, I know
21 that the people here don't believe it, and I know
22 you're having trouble believing it, but it's going
23 to help them with a bigger retention pond, because
24 that retention pond is going to be -- and by pushing

1 it back to the full 75 feet, I don't know that
2 that's going to help them. I mean, the project can
3 still go forward, and Nick was asking me to -- that
4 if we have a number, we can -- then we can design
5 it.

6 MR. VANLAAR: All right.

7 ATTORNEY HURSH: That's just a request.

8 MR. VANLAAR: All right. Thank you.

9 So I would -- when we get to the findings,
10 I propose that we strike that last portion of number
11 two.

12 MR. SAVINO: We're going to close the
13 public hearing? Are we done?

14 MR. VANLAAR: Yes.

15 MR. SAVINO: So we're going to --

16 MR. VANLAAR: All in -- is there a motion
17 to close the public hearing phone?

18 MR. SAVINO: Yeah, okay, I make a motion
19 to close the public hearing.

20 MR. SCHABACKER: Second.

21 MR. VANLAAR: Motion by Savino, second by
22 Schabacker. All those in favor say aye?

23 (Whereupon, the ayes were heard.)

24 MR. VANLAAR: All those opposed.

1 (Whereupon, no nays were heard.)

2 MR. VANLAAR: Motion carries. The public
3 hearing is closed. Now moving on to the findings of
4 fact.

5 MR. SAVINO: Can we go through and make
6 sure we're good on the motion to approve the
7 changes?

8 MR. VANLAAR: Yep.

9 MR. SAVINO: Number one, let's just go one
10 by one, I think that one is fine.

11 MS. ROTTMANN: Number two, we're
12 striking --

13 MR. SAVINO: From where?

14 MS. ROTTMANN: Utilize -- requirements are
15 restrictive, period. Utilize this lot to the best
16 of the ability to the current difficult this
17 property is need something the owners strike all of
18 that.

19 MR. SAVINO: Okay.

20 MR. VANLAAR: Page 93.

21 MR. SAVINO: The purpose of the variance
22 is not based exclusively upon the desire to make
23 more money out of the property. Construct a
24 self-storage facility to coincide with the other

1 business. The variance --

2 MR. VANLAAR: I think that could be argued
3 both ways, so let that go.

4 MR. SAVINO: Okay. The owner of the
5 property has not created the alleged difficulty.

6 MR. VANLAAR: I mean --

7 MR. SAVINO: But the design technically --

8 MR. VANLAAR: The design but the property
9 itself is -- the design is posing the difficulty.
10 The property owner isn't creating a difficulty,
11 because, I mean, the land is the land that he's got
12 to deal with. Can you guys kind of see what I'm
13 saying or not?

14 MS. KRUMM: Put that great big house on a
15 little --

16 MR. SAVINO: Who created the problem?

17 MR. SCHABACKER: The owner of the property
18 created the alleged difficulty. Well, the only of
19 the property wants a larger property than what will
20 fit.

21 MS. KRUMM: Yeah.

22 MS. ROTTMANN: But the land itself was
23 this lot and setbacks were, you know, the shape and
24 everything.

1 MR. SAVINO: If he wanted a little storage
2 shed, wouldn't that work? So who's problem is it --

3 MR. VANLAAR: So you're saying that if you
4 want to put up a proposed building that would have
5 one -- one storage --

6 MS. KRUMM: It probably would fit at 75
7 feet.

8 MR. VANLAAR: And without a lot of
9 heartache.

10 MR. SAVINO: Right. So then I would put
11 up 2,000 properties who cause me the problem
12 (inaudible). It says the owner of the property does
13 not create the alleged difficulty. Isn't that the
14 design is too big for the property? It's not a huge
15 slope, or, you know, a pie-shaped lot.

16 MR. SCHABACKER: Again, it's pretty
17 simple. I hate to keep saying it, but the reason
18 you need a variance is because the building is too
19 big for that lot.

20 MS. KRUMM: So it was created by the
21 Applicant.

22 MR. SAVINO: Yes.

23 MS. KRUMM: Yes what?

24 MS. ROTTMANN: The purpose of the

1 variance.

2 MR. VANLAAR: So are we --

3 MR. SAVINO: The current design was
4 created by the Applicant or owner and is too large?

5 MS. KRUMM: Yes. Yes.

6 MR. SAVINO: So the current design by the
7 property owner is -- the current design as
8 created --

9 MR. VANLAAR: The current design has
10 created the alleged difficulty.

11 MR. SAVINO: Yes.

12 MS. KRUMM: Number five will be
13 interesting.

14 MR. SAVINO: Granting a variance --

15 MS. KRUMM: Will be detrimental to the
16 public or property. Injurious to other property or
17 improvements in the neighborhood.

18 MR. VANLAAR: I think mainly because of
19 the front.

20 MS. KRUMM: Whatever.

21 MR. VANLAAR: There's a setback.

22 MS. KRUMM: I don't know. There's still
23 not enough room for that detention pond.

24 MR. VANLAAR: And that's the variance.

1 That's the variance they're asking for. So, yeah,
2 this -- this variation is detrimental.

3 MR. SAVINO: But we're going to allow the
4 brick change. If we vote the way we're going to
5 vote, the brick change is still going to happen.

6 MR. VANLAAR: And that's not detrimental.

7 MR. SAVINO: Right.

8 MS. ROTTMANN: The front yard setback --

9 MS. KRUMM: You mean, that's all you're
10 voting on?

11 MR. SAVINO: Yeah. Say it comes to the
12 consensus, and it's going 75 feet. There's
13 technically no variance needed for that anyway.

14 MR. VANLAAR: Right.

15 MR. RHODE: Right. And the only thing on
16 the table would be that.

17 MR. SAVINO: Right.

18 MR. RHODE: The exterior, the parking,
19 yeah.

20 MR. SAVINO: So I don't think -- I think
21 it's fine.

22 MR. SCHABACKER: I agree.

23 MR. VANLAAR: That brings us back to
24 number four.

1 MR. SAVINO: That's it has created a
2 difficult. We almost need to skip the setback.

3 MR. VANLAAR: Because it you're judging
4 all these based off from just the brick and mortar
5 and the marking, then number four, what's created --
6 that what's created a difficulty.

7 MS. ROTTMANN: Okay. So the US 20
8 corridor overlay district or appeals, and it's not
9 on a variance, so you can just address the appeals
10 and ignore the recommendation part of it. So you're
11 looking at the variance for more of the setback, the
12 front yard setback portion of it. So you can
13 address the appeals and just either deny or
14 recommend --

15 MR. SCHABACKER: Separate from the
16 variance.

17 MR. VANLAAR: See, if we deny their
18 findings, we're going to have to deny the variance.
19 That's my concern. So just -- just agree with the
20 findings with that small strike out number two, and
21 then my feeling is, as Chairman, then deal with that
22 setback if -- yeah, I don't want it put words in --

23 MR. SAVINO: I was thinking we had to
24 change the finding.

1 MR. VANLAAR: You don't have to change the
2 findings if we're going to vote for this, but --

3 MR. SAVINO: But if we're going to change
4 the setback -- I thought we were going to change the
5 setback. Do you see what I'm saying?

6 MS. KRUMM: You're going to have to --

7 MR. SAVINO: Hilary, are you saying the
8 only setback is the 75 to 30, you said it's on
9 appeals?

10 MS. ROTTMANN: Correct. So --

11 MR. SAVINO: With the overlay?

12 MS. ROTTMANN: Yes. So you have to
13 request an appeal for the overlay for a variance for
14 the front yard. If you go into the beginning
15 section of the zoning code about what you can apply
16 for a variance, they're very specific about the
17 things that you can apply for.

18 MR. SAVINO: Okay.

19 MS. ROTTMANN: But then if you go to the
20 U.S. 20 corridor overlay district, you're allowed to
21 request an appeal. And you just have to go to the
22 zoning board of appeals about that.

23 MS. KRUMM: Here we are.

24 MS. ROTTMANN: So you just -- I was

1 looking at it as you approve the appeal and the
2 recommendations and approve the variance based on
3 the findings of fact, that the appeal would be like
4 a condition under the recommendations. You know
5 what I mean? That you can address it there as to
6 approve or deny --

7 MR. SAVINO: So in our motion we have to
8 create a motion where we deny the variance but still
9 approve the appeals you're saying?

10 MS. ROTTMANN: Correct.

11 MR. VANLAAR: Well, if you deny the
12 variance, you have to deny the findings.

13 MS. ROTTMANN: Yes. But you guys can vote
14 to approve the appeal of the --

15 MR. VANLAAR: Of the I20.

16 MS. ROTTMANN: Correct.

17 MR. SAVINO: So basically the findings
18 stay as they are if we vote no, from 75 to 30,
19 correct?

20 MR. VANLAAR: No, because number five says
21 the planning staff does not see this variation as
22 detrimental or injurious to other surrounding
23 properties.

24 MR. SAVINO: You're having those going

1 with the appeal, though? Are these findings tied to
2 the appeal?

3 MS. ROTTMANN: No.

4 MR. VANLAAR: They're tied to the
5 variance.

6 MS. ROTTMANN: To the variance.

7 MR. SAVINO: Just to the variance. So if
8 we don't agree (inaudible). Am I confused or is
9 somebody else?

10 MS. KRUMM: I don't know.

11 MR. SAVINO: Okay. So right now there's
12 the summary findings and the staff is saying that
13 their fine going from 75 feet to 30 feet. We all
14 don't agree with that?

15 MS. ROTTMANN: Correct.

16 MR. SAVINO: We would say, no, we don't
17 agree with the findings, no --

18 MR. SCHABACKER: We have done that before.

19 MR. SAVINO: What's that?

20 MR. SCHABACKER: We've done that before --

21 MR. SAVINO: Yeah. So we don't really
22 have to change anything unless you want to go from
23 75 to 60 feet or 75 to 70 feet.

24 MR. VANLAAR: Now, if you -- if you vote

1 this down, you have to --

2 MS. KRUMM: You vote the findings down.

3 MR. VANLAAR: If you vote the findings
4 down, you have to vote the variance down.

5 MR. SAVINO: Right. But then she said
6 it's two separate things, the variance and the
7 appeals.

8 MR. VANLAAR: So, Hilary, are you saying
9 we need two votes?

10 MS. ROTTMANN: You can -- I'm saying
11 denial of it and approve of the appeal, so you can
12 just say we're going to, you know, you're denying
13 the variance request but approving -- approving the
14 appeal. So it's kind of like you're approving the
15 conditions. So like the appeals would be like the
16 conditions part of this.

17 MR. VANLAAR: Okay.

18 MS. ROTTMANN: So I vote the variance
19 down, but the approval of this and that and then
20 vote on that.

21 MS. KRUMM: The front end part and --

22 MR. SAVINO: Yeah.

23 MS. KRUMM: Stays or leaves on an appeal.

24 MR. VANLAAR: That would stay.

1 MR. SAVINO: Is that an appeal or is
2 that --

3 MR. VANLAAR: The front yard part is --

4 MS. ROTTMANN: The front yard part is the
5 appeal.

6 MR. VANLAAR: -- the appeal. It's part of
7 the overlay district.

8 MS. KRUMM: And the 75 to 30 is an appeal,
9 number five?

10 MR. VANLAAR: Number five is -- five is
11 part of the variance.

12 MS. ROTTMANN: But we also already dealt
13 with all traffic areas in the special use as well.
14 Do you remember we approved how materials are going
15 to be taken care of through that?

16 MS. KRUMM: Yeah. So are you talking
17 about four or five?

18 MS. ROTTMANN: I'm saying that number four
19 is also already addressed in the special use.

20 MS. KRUMM: So are we removing it from
21 this?

22 MS. ROTTMANN: Correct. This is added in
23 case you guys changed your opinions or you approved
24 this or you wanted to add conditions to it.

1 MS. KRUMM: Okay. So we are not voting on
2 this one, number four?

3 MS. ROTTMANN: No. I would say you are
4 voting on the variance, either approval or denial --

5 MS. KRUMM: This is part of the
6 variance --

7 MR. VANLAAR: No. What would you do is,
8 you vote on the recommendation -- you vote on the
9 findings of fact --

10 MS. KRUMM: Correct.

11 MR. VANLAAR: -- okay? And then you would
12 vote on --

13 MS. KRUMM: Variance.

14 MR. VANLAAR: If the findings of fact, if
15 you vote those down and you vote the variance down,
16 really the recommendations are --

17 MS. KRUMM: They're down, too.

18 MR. VANLAAR: -- they'd be basically
19 nullified.

20 MR. SAVINO: But then what about this deal
21 from brick to steel for purposes of appeal?

22 MS. KRUMM: When they come back, they can
23 bring it again.

24 MR. VANLAAR: The variance is -- the

1 variance is --

2 MS. KRUMM: They'll be back. It's a good
3 plan.

4 MR. VANLAAR: -- they would have to --

5 MR. SAVINO: Right. But they would still
6 have to go through the process to get the appeal for
7 the brick to steel.

8 MR. VANLAAR: Right.

9 MS. ROTTMANN: So they'll have to come
10 back in for that.

11 MR. VANLAAR: That would be -- legally,
12 yes.

13 MR. SAVINO: I don't see how we can't --

14 MR. VANLAAR: A waiver of that?

15 MR. SAVINO: I don't see how we can't put
16 it in a motion that we can do that but nothing else.

17 MR. VANLAAR: You can. You can say that
18 we approve the two items of appeal for the I-20
19 corridor overlay.

20 MR. SAVINO: Okay.

21 MR. VANLAAR: Right?

22 MS. ROTTMANN: Correct. And deny the
23 variance for the 30 feet.

24 ATTORNEY HURSH: Mr. Chairman, can I make

1 a suggestion?

2 MR. VANLAAR: Sure.

3 ATTORNEY HURSH: Two motions. One motion
4 to approve the request -- or the appeal for the
5 overlay. That does your metal fabrications and the
6 parking in the front.

7 MR. VANLAAR: Right.

8 ATTORNEY HURSH: And the second, separate
9 motion, all motions have to be made in the
10 positive --

11 MR. VANLAAR: To approve, yeah.

12 ATTORNEY HURSH: -- so it would have to be
13 made to approve, and then you vote on that.

14 MR. VANLAAR: Right.

15 ATTORNEY HURSH: And then you can do the
16 same thing with your -- with your finding of facts
17 as applied to the appeal. You would approve them
18 maybe. I'm not telling you what to do, but I'm
19 trying to give you some help procedurally.

20 MS. KRUMM: This is good.

21 ATTORNEY HURSH: And then the other one
22 would be a motion to approve or to accept the
23 findings of fact as to the variance, which is the
24 setback, and then you would vote how you would vote.

1 So you have two -- four motions total, but they
2 would be held separately; an appeal, a variance.
3 Does that make sense?

4 MR. SAVINO: Yeah. Do we need -- I'm
5 going to ask the attorney here. Do you we need a
6 separate findings of fact, though, for a brick to
7 steel for the appeals?

8 ATTORNEY HURSH: I don't believe that you
9 do, but that's -- that's my opinion. I'm not the
10 State's Attorney.

11 MR. SAVINO: Right.

12 MS. ROTTMANN: What was the question
13 again?

14 MR. SAVINO: Do we need to do any findings
15 for --

16 ATTORNEY HURSH: On the appeal.

17 MS. ROTTMANN: There's nothing in our
18 code that says --

19 (Whereupon, several board
20 members speaking at once.)

21 MR. SAVINO: Do the findings separate, by
22 itself --

23 ATTORNEY HURSH: And then do the --

24 MR. VANLAAR: Then do the appeal and the

1 variance as positive motion each, separately.

2 MR. SAVINO: So everybody is in agreement
3 with 75 feet?

4 MR. VANLAAR: So we have amended the
5 findings a bit, right, on number two? We crossed
6 out utilizing the lot to the best of, you know, best
7 of its ability, that portion of it. Other than
8 that --

9 MR. SAVINO: Yeah.

10 MS. ROTTMANN: Are you talking about
11 crossing out number two, right?

12 MR. VANLAAR: Portions of number two.

13 MS. ROTTMANN: Correct. Thank you.

14 MR. VANLAAR: Do you still want to
15 cross -- do you still want to amend item four?

16 MR. SAVINO: No, because we're voting no,
17 it doesn't matter.

18 MS. ROTTMANN: So are we closing the
19 public hearing now?

20 MR. VANLAAR: It's closed all already. So
21 now so I need a motion to --

22 MR. SAVINO: I make a motion to approve
23 the findings of fact.

24 MR. VANLAAR: As amended?

1 MR. SAVINO: As amended.

2 MS. KRUMM: Second.

3 MR. VANLAAR: Motion by Savino, second by
4 Krumm. Any further discussion?

5 (No response.)

6 MR. VANLAAR: All those in favor say aye.

7 (Whereupon, the ayes were heard.)

8 MR. VANLAAR: All those opposed.

9 (Whereupon, the nays were heard.)

10 MS. KRUMM: I'm opposed.

11 MR. SAVINO: You have to make a motion in
12 the affirmative, then you can vote no.

13 MR. VANLAAR: That's fine. It's three to
14 two.

15 MR. SAVINO: The problem, though, with if
16 you don't vote for the variance, there's a procedure
17 to redo it. I can't remember what it is, maybe the
18 attorney on-site can tell us. Isn't this a
19 procedure, Mr. Hursh, once it's been voted on?

20 ATTORNEY HURSH: For what?

21 MR. SAVINO: Do you know Roberts Rules of
22 Order? If we voted on a motion, how do you get
23 done? Can't you go back and revote on that?

24 MS. KRUMM: I didn't like the way it

1 was --

2 ATTORNEY HURSH: You're putting me in a
3 tight spot.

4 MR. VANLAAR: The people who voted no, can
5 rescind their vote.

6 MR. SAVINO: Yeah, I just can't remember
7 what the procedure so it's on the record.

8 MR. VANLAAR: It has to be -- it has to be
9 --

10 MS. KRUMM: I voted no, so I rescind my
11 vote.

12 MR. VANLAAR: It has to be like two-thirds
13 or something like that.

14 MR. SAVINO: I think she just did.

15 MS. KRUMM: I just took care of it.

16 MR. SAVINO: She rescinded her vote, so
17 now it's a tie. Now we can redo it.

18 ATTORNEY HURSH: Someone on the winning
19 side has to make a motion to reconsider at the same
20 meeting --

21 MR. VANLAAR: Right.

22 ATTORNEY HURSH: -- at which the -- at
23 which it took place or the very next meeting at the
24 first possible time.

1 MR. SAVINO: It has to be at the next
2 meeting?

3 ATTORNEY HURSH: It's got to be at the
4 same meeting if there's time.

5 MR. SAVINO: Yeah.

6 ATTORNEY HURSH: It's now 11:00 o'clock.
7 There's still time.

8 MS. KRUMM: We've been here since 7:00.

9 ATTORNEY HURSH: There's still time. So
10 it has to be -- I shouldn't be doing this. I'm
11 crossing a lot of lines. I'm just trying to help
12 out. A motion to reconsider has to be made by
13 someone on the winning side. Then you can --
14 there's no discussion on that. And then you get to
15 vote on it. If that carries, then you get to bring
16 it back up for another one. So Joan --

17 MS. KRUMM: I don't want to do it. So
18 somebody else can make it.

19 MR. SAVINO: I'll make that motion.

20 MS. KRUMM: Are you on the winning side?

21 MR. SAVINO: Yeah.

22 MS. KRUMM: Okay.

23 MR. SAVINO: I make a motion to reconsider
24 the vote.

1 MR. VANLAAR: Second?

2 MS. KRUMM: Second, unless you want to.

3 MR. VANLAAR: By motion Savino to
4 reconsider. Second by Krumm. Any discussion?

5 MR. SAVINO: I think it's just all in
6 favor.

7 MR. VANLAAR: All in favor say aye.

8 (Whereupon, the ayes were heard.)

9 MR. SAVINO: We're getting rid of the
10 motion you made, Joan, earlier.

11 MS. KRUMM: Yeah.

12 MR. VANLAAR: That was unanimous.

13 MR. SAVINO: I will make a motion to
14 approve the findings of fact.

15 MS. KRUMM: Second.

16 MR. VANLAAR: As amended.

17 MR. SAVINO: As amended.

18 MS. KRUMM: Second.

19 MR. VANLAAR: Motion by Savino to approve
20 the findings of fact as amended. Seconded by Krumm.

21 MR. SAVINO: So in the discussion, if you
22 vote yes or aye, you'll be approving. If you vote
23 no, you're not approving what's here.

24 MS. KRUMM: I'm lost.

1 MR. SAVINO: It's just like we voted last
2 time. I'm just confirming how we voted last time.

3 MS. KRUMM: So now I have --

4 MR. SAVINO: You can vote however you
5 want.

6 MS. KRUMM: Well, wait a minute. I'm
7 trying to figure out how to vote no on this.

8 MR. SAVINO: Say no.

9 MR. VANLAAR: All those in favor say aye.
10 (Whereupon, no ayes were heard.)

11 MR. VANLAAR: All those opposed say no.
12 (Whereupon, the nays were heard.)

13 MR. SAVINO: The motion fails. You voted
14 the same way you did the first time.

15 MS. KRUMM: Yes.

16 MR. VANLAAR: So now do I have a motion to
17 approve the variance -- to approve the variance of
18 the 30 -- of the 30-foot setback?

19 MS. KRUMM: Oh, I'll make that motion.

20 MR. VANLAAR: Krumm --

21 MR. SAVINO: Second.

22 MR. VANLAAR: Krumm motions and second by
23 Savino.

24 MS. ROTTMANN: That's a roll call?

1 MS. KRUMM: Yeah.

2 MR. VANLAAR: Yes, it's roll call.

3 MS. ROTTMANN: Savino?

4 MR. SAVINO: No.

5 MS. ROTTMANN: VanLaar?

6 MR. VANLAAR: No.

7 MS. ROTTMANN: Rhode?

8 MR. RHODE: No.

9 MS. ROTTMANN: Krumm?

10 MS. KRUMM: No.

11 MS. ROTTMANN: Schabacker?

12 MR. SCHABACKER: No.

13 MR. VANLAAR: Motions fails.

14 MR. SAVINO: I'll make a motion to approve
15 the appeals and the recommendations.

16 MS. KRUMM: Which allows for --

17 MR. SAVINO: I lost the page. This is the
18 number --

19 MR. VANLAAR: On page 89.

20 MR. SAVINO: Page 91. Page 91, No. 3.

21 And I know we said we covered No. 4, but I'm just
22 going to put in there, No. 4. So appeal No. 3 and
23 No. 4.

24 MS. ROTTMANN: Okay. Approval --

1 MR. VANLAAR: Approval of the appeals.

2 MS. KRUMM: Are you sure you want to
3 include 4?

4 MR. SAVINO: Yeah. We talked about it.
5 I'd just like to firm it up.

6 MS. KRUMM: Okay. Did you make that
7 motion or no?

8 MR. VANLAAR: Savino made a motion. I
9 need a -- I need a second.

10 MR. SCHABACKER: Second.

11 MR. VANLAAR: Second by Rhode.

12 MR. SCHABACKER: No, Schabacker.

13 MR. VANLAAR: Schabacker. Somebody over
14 there.

15 Any discussion?

16 (No response.)

17 MR. VANLAAR: Hearing none. All those in
18 favor say aye -- no. Hang on. Sorry. Strike that.
19 I'm too tired. You need a roll call.

20 MS. ROTTMANN: All right. This is
21 approval of the two appeals.

22 MR. SAVINO: Yeah.

23 MS. ROTTMANN: Krumm?

24 MS. KRUMM: No.

1 MS. ROTTMANN: Savino?

2 MR. SAVINO: Yes.

3 MS. ROTTMANN: VanLaar?

4 MR. VANLAAR: Yes.

5 MS. ROTTMANN: Rhode?

6 MR. RHODE: Yes.

7 MS. ROTTMANN: Schabacker?

8 MR. SCHABACKER: Yes.

9 MR. VANLAAR: Motions carries.

10 MS. ROTTMANN: It's 4 to 1. This case is
11 complete.

12 MR. VANLAAR: This case is complete.

13 MS. KRUMM: Good.

14 MR. VANLAAR: We've got one more, but the
15 Chairman is going to push that to next month.

16 MS. KRUMM: Oh. Good.

17 MR. VANLAAR: I keep Joan on my good side.
18 Any updates?

19 (Whereupon, the court reporter
20 asked for clarification.)

21 MS. ROTTMANN: I'm just giving an update
22 on the comprehensive plan. Our first workshop is
23 tomorrow at the Fire District 3 building on health,
24 wellness, safety, recreation. Please participate.

1 MS. KRUMM: Where's it at?

2 MS. ROTTMANN: That's down in Poplar Grove
3 off of 173. Fire District 3.

4 MS. KRUMM: Okay.

5 MS. ROTTMANN: That is our first workshop.
6 And our second workshop is scheduled for
7 September 6th in this building from 5:00 to 6:00.
8 We had a booth at the fair. We got some feedback
9 there. Our survey closed with 160 responses, and it
10 looks like we have five planing cases next month.

11 MS. KRUMM: Including this one?

12 MS. ROTTMANN: I just included this one.
13 Three variances, a map amendment and this -- no, and
14 the -- yeah, so five total.

15 MR. VANLAAR: Do I have a motion to
16 adjourn?

17 MR. RHODE: So moved.

18 MR. VANLAAR: Moved by Rhode. Second my
19 Krumm. All in favor say aye.

20 (Whereupon, the ayes were heard.)

21 MR. VANLAAR: We're done.

22 (Whereupon, at 11:05 p.m., the
23 meeting was adjourned.)

24 * * *

1 STATE OF ILLINOIS)
2 COUNTY OF BOONE) SS
3)

4 I, Margaret Ciembronowicz, Certified Shorthand
5 Reporter in and for the State of Illinois, County of Boone,
6 do hereby certify that on August 22, 2017; I reported the
7 proceedings had in the above-entitled matter to the best of
8 my ability, and that the same is a true, correct, and
9 complete transcription of said proceedings held on said
10 date.

11 Dated this 20th day of September, 2017.

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Margaret M. Ciembronowicz

MARGARET CIEMBRONOWICZ
Certified Shorthand Reporter
License No. 084-003833