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Transcript of Hearing

Date: October 14, 2024

Case: Village of Wayne

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

1 -----x
2 IN RE: :
3 REZONING FOR PROPERTY AT :
4 35 WEST 199 ARMY TRAIL ROAD :
5 WAYNE, ILLINOIS :
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MEETING/PUBLIC HEARING
VILLAGE OF WAYNE PLAN COMMISSION
Conducted Virtually
Monday, October 14, 2024
7:01 p.m. CST

Job No.: 547025
Pages: 1 - 41
Recorded By: Lawrence Wallace

Transcript of Hearing
Conducted on October 14, 2024

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1 Meeting/Public Hearing, conducted virtually

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12 Pursuant to Notice, before Lawrence Wallace,

13 Notary Public in and for the State of Illinois.

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A P P E A R A N C E S

CAROL DIMITRIOFF - Chairperson/Village of Wayne
Plan Commission
GREG RICHARD - Village of Wayne Plan Commission
FRED IOZZO - Village of Wayne Plan Commission
KATHLEEN TRANCHIDA - Village of Wayne Plan
Commission
BILL KOHL - Village of Wayne Plan Commission
ROBERT HANDLEY - Village of Wayne Plan Commission
KIRSTEN CASAS, ESQUIRE - City Planner, Village of
Wayne
PETER K. WILSON JR. - City Attorney
KATE MCCRACKEN, ESQUIRE - Representing Petitioners
JOHN YABARI - Petitioner
CYNTHIA YABARI - Petitioner

1 C O N T E N T S PAGE

2 Proceedings 5

3

4

5 E X H I B I T S

6 (Attached to transcript)

7 MEETING/PUBLIC HEARING EXHIBIT PAGE

8 Exhibit 1 Legal Notice 7

9 Exhibit 2 Certification Notice 7

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1 P R O C E E D I N G S
2 (Whereupon, the court reporter was duly
3 sworn.)
4 MS. DIMITROFF: All right. Roll call
5 for the Plan Commission. Fred Iozzo.
6 MR. IOZZO: Here.
7 MS. DIMITROFF: Greg Richard.
8 MR. RICHARD: Here.
9 MS. DIMITROFF: Bill Kohl.
10 MR. KOHL: Here.
11 MS. DIMITROFF: Bob Handley?
12 MR. HANDLEY: Here.
13 MS. DIMITROFF: Kathleen Tranchida.
14 MS. TRANCHIDA: Here.
15 MS. DIMITROFF: Carol Dimitroff, here.
16 And no Miguel. Okay. I'd like to -- does anyone
17 have a motion to approve the meeting minutes from
18 last meeting?
19 MR. IOZZO: Motion to approve.
20 MR. KOHL: Second.
21 MS. DIMITROFF: Any discussion? All in
22 favor?
23 MR. IOZZO: Aye.
24 MR. RICHARD: Aye.

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1 MR. HANDLEY: Aye.

2 MS. DIMITROFF: Aye.

3 MS. TRANCHIDA: Aye.

4 MS. DIMITROFF: Thank you.

5 MR. KOHL: Aye.

6 MS. TRANCHIDA: Aye, aye, aye.

7 MS. DIMITROFF: Okay. So today we are
8 here for a public hearing on the rezoning for
9 property at 35 West 199 Army Trail Road in Wayne,
10 Illinois. We're going to open the -- the hearing,
11 and if there's anyone -- is this (indiscernible)?

12 MR. WILSON: Yeah. If there's anyone
13 present who is going to testify, if they can please
14 stand and raise their right hand.

15 MS. TRANCHIDA: To the zoning?

16 MS. DIMITROFF: For the zoning.

17 COURT REPORTER: Good evening, everyone.
18 Do you solemnly swear or affirm that the testimony
19 you will give today will be the truth, the whole
20 truth, and nothing but the truth?

21 MR. YAVARI: Yes.

22 COURT REPORTER: All right. When you do
23 testify, please give your first and last name and
24 spell it. Thank you.

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1 MS. DIMITROFF: Okay. Pete will be
2 making an opening statement.

3 MR. WILSON: Yeah. You have before you
4 an application for rezoning of property from W1 to
5 W4, which was filed by John and Cynthia Yabari.

6 MR. KOHL: I don't know. We've got a
7 visitor, I think. I was just trying to see what
8 time it was.

9 MR. WILSON: A rezoning calls for a
10 public hearing. The publication notice was
11 published on September 27th, 2024 for this evening
12 and is made a part of the record as Plan Commission
13 Exhibit Number 1.

14 (Exhibit 1 was marked.)

15 MR. KOHL: Was it the P12-22?

16 MR. WILSON: The -- in addition, the
17 Petitioners have caused a notice to be sent to
18 property owners within 250 feet of the subject
19 property, and a copy of the certified mail receipts
20 and a copy of the notice given is made Plan
21 Commission Exhibit Number 2.

22 (Exhibit 2 was marked.)

23 MS. DIMITROFF: Oh. I'm sorry.

24 MR. WILSON: Sorry.

1 MS. DIMITROFF: Can -- hold on. Is that
2 September 26th?

3 MR. KOHL: December 20 --

4 MS. DIMITROFF: September? September
5 was the notice.

6 MR. WILSON: The -- the publication is
7 this document.

8 MS. DIMITROFF: Oh, sorry.

9 MR. WILSON: And that was published on
10 September 27th.

11 MS. DIMITROFF: September 27th. Sorry.

12 MR. WILSON: Yeah. So the Board makes
13 -- the Plan Commission makes a recommendation to
14 the Village Board, and you can consider a number of
15 items. We don't have statutory criteria in the
16 Village code, but, typically, you determine whether
17 the amendment promotes public health, safety,
18 comfort, convenience, general welfare of the
19 Village, or at least it doesn't -- is not
20 detrimental to that, the trend of development in
21 the area, if there is any, the overall character of
22 the property and consistency with the comprehensive
23 plan and whether the amendment will alter the
24 general character of the neighborhood. You can

1 make a recommendation for approval of the
2 application, approval of the application with
3 conditions, or denial of the application.

4 The current -- just to kind of brief you
5 a little bit, the current Wayne Zoning District
6 permitted uses in the W1 is a single-family
7 detached residence with accessory uses located in
8 the rear yard, private garage, stables with no more
9 than four horses on a lot of 4 acres with an
10 additional horse or animal for each acre over four.
11 There are some special uses, which include
12 municipal, civic, or community use, churches,
13 libraries, et cetera, and some recreation, such as
14 pool or tennis court. The W4 is normally not less
15 than 1 acre, and its permitted uses are the same
16 uses as permitted in the W2 Zoning District. And
17 the W2 Zoning District allows the same permitted
18 uses as the W1 except on a smaller lot. That one
19 is 2 acres. The W4, I believe, is typically 40,000
20 square feet, correct, Greg?

21 MR. RICHARD: Yeah.

22 MR. WILSON: Yeah. And it also has some
23 special uses with accessory buildings located in
24 the rear yard not less than 40 feet from the rear

1 or side lot lines. So with that, I would ask
2 Attorney McCracken, who represents the Petitioners,
3 to make the Petitioner's presentation to you.

4 MS. MCCRACKEN: Good evening. My name
5 is Kate McCracken, M-C-C-R-A-C-K-E-N, and what I
6 want to do tonight is do a couple things. So --
7 oh. That's okay. I can work around it. So I've
8 given --

9 MR. WILSON: Kate, you want to put it up
10 on here?

11 MS. MCCRACKEN: I do. So I've given you
12 all -- I think I've given you PDFs of these, but
13 what I want to do is go through a couple things.
14 The first thing I want to do is talk about why
15 we're here. Obviously, I represent John and
16 Cynthia Yabari, the owners of the property, and
17 they own the parcel I'm just going to show you
18 right here, okay?

19 Ages ago, when John came to me and
20 said, Kate, I really -- I'd like to, at some point
21 in the future, demolish this house and build a new
22 one, I, of course, said, stop, don't demolish
23 anything, especially with people in it. I simply
24 -- what we've got here is basically a

1 50,000-square-foot lot, give or take. We're
2 anywhere between 48 and 52,000 square feet. That
3 is a legal nonconforming use. So the reason we're
4 here is because we're really just trying to fix
5 something that isn't consistent with the Village of
6 Wayne Zoning Ordinance. So what we're trying to do
7 is get this in a position where we can demolish
8 that house and still have an appropriate underlying
9 zoning classification.

10 So what I've given you is a -- a couple
11 different options. Now, I want to be clear. I
12 wasn't -- all we're here is -- all we're here
13 tonight is asking for approval of the W4 Zoning
14 classification. We're not -- when I gave you a
15 couple plans that showed setbacks, the reason I
16 gave you those setbacks is because I tend to be
17 sort of visual. I wanted to see what it looked
18 like to put a house there. And so the house is
19 there with the setbacks just to give you a view of
20 what it might look like at some point in the
21 future. So, again, we're just here for the W4
22 zoning.

23 So, secondarily, what -- what we're
24 also giving you is kind of the big picture, and the

1 big picture is really important here. I would ask
2 everybody -- and I brought this to hand out to
3 everyone. One of the really important pieces of
4 all of this is all of the parcels of land to the
5 south. So you'll see in this corner I've got the
6 exhibit, which is the tax map. So this shows the
7 parcel, the subject property, and then if you look
8 at the -- basically the nine lots to the south,
9 okay, each one of those lots, a couple are in the
10 city of St. Charles; the majority are in
11 unincorporated St. Charles Township. All of those
12 lots are what amounts to a third of the size of
13 this lot. So, theoretically, if we were really
14 going to talk about the character of the
15 neighborhood, these are all one -- they're all
16 oriented the same. They're all oriented exactly to
17 the front of the house towards Route 25, and
18 they're all 20,000 square feet or less, by and
19 large.

20 So it's important -- the other reason
21 we're here is not necessarily to make this parcel
22 consistent with all of those, but it actually
23 operates as an appropriate transition from W1 to
24 W4 to unincorporated St. Charles Township. All of

1 these over here are W4. This is unincorporated St.
2 Charles Township again. So --

3 MS. DIMITROFF: A W5.

4 MS. MCCRACKEN: W5?

5 MS. DIMITROFF: Yep.

6 MS. MCCRACKEN: Okay. Thanks. So we're
7 -- we're trying to literally just take this piece
8 of property and bring it into compliance so that,
9 at some point, the house can be demolished and a
10 new home can be built. So as relates to the
11 standards, this really isn't, I don't believe, any
12 kind of a function detrimental to the community or
13 inconsistent with the general area. If anything,
14 what we're doing is fixing something that probably
15 should have been addressed a little bit sooner so
16 that we can make a legal nonconforming use into
17 something that is a legal and conforming piece of
18 property. The Yabaris are here. If you'd like to
19 ask any questions, we're certainly happy to do so.

20 MS. DIMITROFF: I have a question.

21 MS. MCCRACKEN: Yes.

22 MS. DIMITROFF: Hi. I'm Carol
23 Dimitroff. Why did you pick W4 instead of W3,
24 since the minimum lot size for W3 is 1 acre and

1 that is over 1 acre?

2 MS. MCCracken: It felt like when we
3 have all of these 20,000-acre -- 20,000-square-foot
4 lots next to us --

5 MS. DIMITROFF: They're not in wing.
6 They're not in wing.

7 MS. MCCracken: I understand, but
8 they're right next to us.

9 MS. DIMITROFF: I -- I get it.

10 MS. MCCracken: So when -- my thought
11 process was, if we're at -- if we're at --all of
12 those properties south being at 20,000 square feet,
13 I'm just trying to get something that is a
14 reasonable transition from W1 to unincorporated St.
15 Charles Township at 20,000 square feet, and it
16 really seemed that W4 made the most sense.

17 MS. DIMITROFF: Would you be open to W3?

18 MS. MCCracken: Possibly. We certainly
19 haven't talked about it, but I'd have to look at --
20 from a frontage standpoint, from a setback
21 standpoint, W4 seemed to be the most appropriate
22 and make the most sense and be the most doable for
23 this piece of property.

24 MS. DIMITROFF: So setbacks are the same

1 for both. I think the lot width is maybe a little
2 bit different, but that's the only other thing.

3 MS. MCCracken: I think it is. I just
4 -- I haven't compared them. I'm certainly willing
5 to consider it, and I'm -- I'm sure they are.
6 We're just trying to do what makes the most sense
7 because I -- what -- looking at it, W4 made the
8 most sense within the context of everything that's
9 surrounding them.

10 MS. TRANCHIDA: Carol, isn't W3
11 waterfront?

12 MS. DIMITROFF: W5 is waterfront, which
13 is why all of those on the left-hand side are -- I
14 -- I gave you guys a copy of the area that they're
15 talking about, those -- those plans right there.
16 Does anyone else have questions?

17 MR. RICHARD: Do you know when there was
18 -- there was a taking on this?

19 MS. MCCracken: There was a taking, yes.

20 MR. RICHARD: Do you know when that
21 happened?

22 MS. DIMITROFF: 1989. I did a little
23 homework this weekend.

24 MR. RICHARD: Oh, good. Thank you.

1 Thank you.

2 MS. MCCracken: What I don't know is, do
3 you know the square footage that was taken, the
4 amount of square footage? Because that's the one
5 piece I need. We -- one of the first things that's
6 going to happen is we're -- we're going to have --
7 it's been some time since the property has been
8 formally surveyed, so we need to do that because I
9 need to confirm the square footage that was
10 actually taken because that was done before the
11 Yabaris owned the property.

12 MS. DIMITROFF: Right. Now, when I was
13 reading the ordinances, I thought the taking,
14 though, would still be included within the total
15 square footage for the zoning.

16 MR. WILSON: I'm not sure what the
17 taking was. I don't --

18 MS. MCCracken: Right. We don't know
19 the square footage yet. Until we know that -- but
20 we --

21 MR. WILSON: I'm not even aware of what
22 it was.

23 MS. MCCracken: It was an IDOT. It was
24 it was the same time IDOT did a whole bunch of

1 other things along 25.

2 MR. WILSON: Right. All right.

3 MS. MCCracken: So it was clipping a
4 corner at 25 in Army Trail, and then some
5 right-of-way.

6 MR. WILSON: Yeah. So I -- in my view,
7 that would not be included in the current square
8 footage if it's IDOT property.

9 MS. DIMITROFF: I -- I don't know if it
10 was IDOT. When I was talking to Mike, Greg, I
11 guess he said it was part of the red gate
12 situation; I don't know. We'd have to look at it.

13 MR. RICHARD: What number are you
14 quoting for the line?

15 MS. MCCracken: So our calculation was
16 52-ish.

17 MR. RICHARD: Yeah. I agree with that.
18 I agree with that without the taking.

19 MS. DIMITROFF: 52,707.

20 MS. MCCracken: Yes.

21 MS. DIMITROFF: 1.21 acres. So I have a
22 question just in general. So let's say -- because
23 I don't want to -- I don't know that we want to set
24 a precedence, right, because if there's -- there's

1 -- if there's a lot that's Zone W1 and it's made up
2 of two parcels and it's W1, can I split those two
3 -- can I split that?

4 MS. MCCracken: But this is one parcel.

5 MR. WILSON: What do you mean? If
6 somebody wants to subdivide, they can subdivide --
7 I mean, they can petition to subdivide.

8 MS. DIMITROFF: So -- I get it. So it's
9 sort of the same thing that you're asking. So if I
10 have two parcels that are 2 acres each, let's say --

11 MR. WILSON: Okay.

12 MS. DIMITROFF: -- and they're together
13 --

14 MR. WILSON: And they're single zoning
15 lot now?

16 MS. DIMITROFF: -- and they're one lot
17 -- Zone W1 is 4 acres.

18 MR. WILSON: Okay. Someone would have
19 to petition to rezone if they were going to
20 subdivide it --

21 MS. DIMITROFF: Like they're asking?

22 MR. WILSON: -- to make -- no, they're
23 not subdividing.

24 MS. DIMITROFF: No, but I mean they're

1 asking to have a parcel rezoned because of the size
2 of the parcel.

3 MS. MCCracken: Well, it's more because
4 it is a legal nonconforming use, and so we can't
5 replace the house.

6 MS. DIMITROFF: I -- I get it.

7 MR. WILSON: It -- it got -- it got
8 designated as W, apparently, prior to the Village's
9 zoning ordinance that established W1 as a minimum
10 lot size of 4 acres.

11 MS. DIMITROFF: One -- one conversation,
12 okay? One conversation.

13 MS. MCCracken: I'm sorry.

14 MS. DIMITROFF: That's all right.

15 MS. MCCracken: Yeah.

16 MS. DIMITROFF: Sorry. Please, go
17 ahead. I'm sorry.

18 MR. WILSON: So I don't know when it
19 came into the Village, but, apparently, it came in
20 as an automatic W1 zoning, even though it didn't
21 meet the 4-acre minimum. So it would be a
22 preexisting legal nonconforming use.

23 MS. DIMITROFF: Okay. And the only way
24 to change that is what they're doing right here?

1 MR. WILSON: Is a petition to rezone,
2 correct.

3 MS. DIMITROFF: And this is not
4 considered spot zoning because it's on the edge?

5 MR. WILSON: No.

6 MS. DIMITROFF: Why not, because it's on
7 the edge?

8 MR. WILSON: It's partially. Because
9 what they are doing is making it consistent with
10 the zoning districts that already are established,
11 and it's not --

12 MS. DIMITROFF: Based on the size of the
13 parcel?

14 MR. WILSON: Pardon?

15 MS. DIMITROFF: Based on the size of the
16 parcel.

17 MR. WILSON: Correct. And it's not spot
18 zoning in the sense of changing, for example,
19 establishing a commercial use in the middle of a
20 residential neighborhood. They're not changing,
21 actually, the neighborhood or the size of the lots
22 of the neighboring properties.

23 MS. DIMITROFF: So if someone in the
24 middle of Wayne, in the middle of that yellow over

1 there -- I don't know if it's a fact because I
2 didn't look at every property. But if someone in
3 the middle of that yellow had a parcel that's less
4 than 4 acres and it's sewn yellow, would we -- are
5 we setting a precedence for them -- that person to
6 come and say, well, that parcel -- this -- my
7 parcel right here is Zone W1, but it's less than 4
8 acres; can I have it something else?

9 MR. WILSON: It's up to you. You're not
10 bound by precedent. You -- if you set -- by
11 granting one doesn't mean that you're going to ever
12 grant any others.

13 MS. DIMITROFF: Okay.

14 MR. WILSON: You're not required to
15 grant -- you're not required to recommend to the
16 Village Board any particular change of zoning. As
17 I said before, you had -- you have the option here
18 to recommend it, recommend it with conditions, or
19 recommend denial, but you're not bound by anything
20 that went before you in terms of the zoning or what
21 comes after.

22 MS. DIMITROFF: Okay.

23 MR. WILSON: You're not binding yourself.

24 MR. RICHARD: You know, the zoning

1 ordinance does provide for lots platted prior to
2 October 17th, 1960, to come in automatically as a
3 W3, as long as -- if they're undersized, as long as
4 they meet all of the other requirements, setbacks
5 and bought with.

6 MR. WILSON: Correct. And that would be
7 coming into the Village, correct?

8 MR. RICHARD: No. It's lots platted
9 prior to 1960.

10 MS. DIMITROFF: In the Village?

11 MR. RICHARD: Yes.

12 MS. DIMITROFF: What do you mean? I --
13 so I don't know what you mean.

14 MR. WILSON: And I'm not aware of that
15 section. Do you know which section that is?

16 MS. MCCracken: But isn't that -- isn't
17 it a Plat Act provision?

18 MR. RICHARD: It's -- let me pull it up.

19 MR. WILSON: Is that in our code, Greg?

20 MR. RICHARD: Yep.

21 MS. DIMITROFF: It is?

22 MR. RICHARD: Yep.

23 MS. DIMITROFF: I haven't seen that part.

24 MR. RICHARD: Okay. I have to do a

1 quick search. If you want to keep going, I'll find
2 it, and then --

3 MS. MCCracken: Can I answer any other
4 questions?

5 MR. HANDLEY: So -- so, Kate, have the
6 -- your clients always owned both those parcels?

7 MR. YAVARI: Yeah. Yeah. Sorry.

8 MS. MCCracken: That's all right. Go.

9 MR. YAVARI: All right. So John Yavari,
10 Y-A-V-A-R-I. So we've been 30-year residents here,
11 and we own both parcels next to it. So we have a
12 total of 17 and a half acres. We own the three --
13 the three parcels Kate pointed out right here.

14 MS. MCCracken: Yep. So we've got
15 Parcel 1, Parcel 2, Parcel 3.

16 MR. YAVARI: And so, this was the
17 original home that was on the property. I think it
18 was probably an original cabin along -- just like
19 the ones to the south of me for the Fox River or
20 access to the Fox River or as a -- a day -- a
21 country home or something like that. When we
22 bought it, just like the rest of the property -- I
23 don't know if anybody remembers what it looked like
24 -- it was -- it was a dump. The house had been let

1 go, the barns had been let go, and we've spent, you
2 know, 30 years and many, many, many millions of
3 dollars fixing stuff up there and trying to make it
4 better.

5 And that's kind of what we're asking for
6 today. That house needs to be torn down. So that
7 is my -- you know, if -- if you -- if we're
8 successful and you grant us this change in zoning,
9 that would be what I would like to do, is to tear
10 that down. And my immediate plans are to fill it
11 in and turn it into an extension of our yard. So
12 if anybody has seen it and driven past it, you
13 know, it needs to come down. So --

14 MS. DIMITROFF: Agreed.

15 MR. YAVARI: -- that is why -- that --
16 that's one of the reasons we're here.

17 MR. HANDLEY: So it's not occupied?

18 MR. YAVARI: Correct.

19 MS. MCCracken: Oh. Well, there are
20 people in and out. It's not -- I wouldn't say it's
21 vacant. There is furniture there. It is available
22 currently for people to -- the -- for people -- for
23 -- for how long it was your care team purchased the
24 home?

1 MR. YAVARI: Decades. Yeah.

2 MS. MCCracken: So --

3 MR. WILSON: Greg, did you get the cite?
4 Do you have the number?

5 MR. RICHARD: Uh-huh.

6 MS. MCCracken: So I wouldn't call it --
7 I wouldn't call it vacant at this point. We
8 maintained people in and out of it, so it's not
9 vacant, but it still needs to -- I mean, it's
10 barely to the point where we can continue without
11 having it become compliant.

12 MR. HANDLEY: Are there code violations
13 now?

14 MS. MCCracken: I don't know. We
15 haven't been cited with any code violations. I
16 don't know. I mean, again, our goal is to tear it
17 down, and the only way to do that is to rezone it.

18 MR. YAVARI: We actually lived in the
19 house for about a year while our own home was being
20 built, so that was, you know --

21 MS. DIMITROFF: So --

22 MR. YAVARI: -- 26 years ago.

23 MS. DIMITROFF: You can tear it down
24 without rezoning it. You just can't build anything

1 else --

2 MS. MCCracken: That's the point.

3 MS. DIMITROFF: -- unless it rezoned.

4 MR. YAVARI: Yeah.

5 MS. DIMITROFF: So you could -- so you
6 could tear it down without --

7 MR. YAVARI: Well, what -- yeah. No.

8 MS. DIMITROFF: I just -- so let's just
9 -- you could tear it down without rezoning, right?
10 But to build something back, you have to get this.

11 MS. MCCracken: To put a house there,
12 yes.

13 MS. DIMITROFF: I don't see that as
14 rezoning.

15 MS. MCCracken: We have to zone.

16 MS. DIMITROFF: That's right.

17 MR. RICHARD: No, it is not --

18 MR. WILSON: You state it's
19 nonconforming.

20 MS. MCCracken: And, frankly, they'd
21 like to, at some point --

22 MR. WILSON: Why? Aren't they more than
23 1 acre?

24 MS. MCCracken: -- be able to build a

1 house so one of their kids would live there.

2 MR. RICHARD: Yes. They meet every
3 requirement except for the frontage.

4 MS. DIMITROFF: What are you looking at?

5 MR. RICHARD: The provision I cited.

6 MR. WILSON: Yeah. All this says is
7 that they can be approved for the -- in the same
8 lot requirements as the W3, but it doesn't say that
9 their zoning has changed.

10 MS. DIMITROFF: What provision are you
11 looking at for our gentleman here who's --

12 MR. WILSON: 10-13-2.

13 MR. RICHARD: And then (b)(2).

14 MS. DIMITROFF: What is it called?

15 MR. WILSON: It's --

16 MR. RICHARD: Authority to --

17 MR. WILSON: Authority to -- to continue
18 nonconformity.

19 MR. RICHARD: Yeah. Excuse me.

20 MS. MCCracken: Sure. I'm sorry. I
21 don't want to trip you.

22 MR. RICHARD: That's (indiscernible).

23 MR. WILSON: But I don't see where 2
24 actually applies because if -- it says it's got to

1 be a lot of less than 1 acre, and I think they are
2 more than 1 acre, correct?

3 MS. MCCRACKEN: We are. Definitely, we
4 are more than 1 acre.

5 MR. WILSON: Yeah.

6 MS. MCCRACKEN: The -- the question is
7 -- what I can't tell you, Pete, as I sit here, is I
8 don't know exactly how much more than 1 acre.

9 MR. WILSON: Yeah. And I -- and I think
10 it doesn't say that you're rezoned. It says that
11 you can develop, basically, under the W3 zoning
12 requirements if you are a lot platted prior to
13 October of 1960 and it's less than an acre.

14 MR. RICHARD: Oh. Okay.

15 MS. MCCRACKEN: Yeah. So it's never
16 been less than an acre. Here, I can do that.

17 MS. DIMITROFF: So per the assessor's
18 record, for the record --

19 MR. RICHARD: Thank you.

20 MS. MCCRACKEN: Uh-huh.

21 MS. DIMITROFF: -- it's 52,707 square
22 feet, which is approximately 1.21 acres. So that
23 doesn't -- this doesn't apply? This provision does
24 not apply?

1 MR. WILSON: That -- that provision
2 wouldn't apply.

3 MS. DIMITROFF: Anyone else have
4 questions?

5 MR. HANDLEY: I'm just -- I'm just
6 trying to figure this out, Kate. They -- if they
7 -- if we agree to recommend the rezoning to W4 or
8 W3 as it were, what does that get you? That gets
9 you the ability to rebuild after you knock it down?

10 MS. MCCracken: Yes.

11 MR. HANDLEY: That's --

12 MS. MCCracken: That's really it in a
13 nutshell.

14 MR. HANDLEY: Okay.

15 MS. MCCracken: I mean, it -- it really
16 is as simple as that.

17 MR. HANDLEY: Okay. Well, I'm also
18 accused of being simple.

19 MS. MCCracken: Oh. This is one of
20 those rare occasions where it truly is as simple as
21 it looks.

22 MR. IOZZO: Carol, I just want to
23 comment because I -- I kind of recall when we were
24 -- the Village was pushing to do whatever we could

1 along Army Trail and to Army -- you know -- and --
2 and to acquire in the Village the properties, both
3 this property and the property to the north of it,
4 and trying to move that line over just for a
5 strategic -- from the Village's point of view. And
6 I think that --

7 MS. DIMITROFF: Move it over from where?

8 MR. IOZZO: From being unincorporated.

9 MS. DIMITROFF: Oh. I see.

10 MR. IOZZO: This was unincorporated, I
11 believe.

12 MS. DIMITROFF: Oh. So that the Village
13 would have control of the corner?

14 MR. IOZZO: Yeah. When Brambson -- I
15 think Brambsons own that (indiscernible). And the
16 -- the Village made a big push to try to bring
17 those properties in, and I think having that
18 property in the Village of Wayne touching 25 was a
19 strategic situation.

20 MS. DIMITROFF: So according to Mike
21 Rikas, who I talked to on Friday, that property
22 allows the W5 to be in Wayne. If that property
23 didn't -- wasn't there, there would be no
24 contiguous --

1 MR. IOZZO: Right, would not be
2 contiguous.

3 MS. DIMITROFF: Contiguous.

4 MS. MCCracken: Right. That makes sense.

5 MR. IOZZO: And that's why I think it's
6 a very important that we -- we --

7 MS. DIMITROFF: We what?

8 MR. IOZZO: -- keep that in Wayne.

9 MS. DIMITROFF: It's -- there's no
10 question about it being in Wayne or not.

11 MR. HANDLEY: Well, it is in Wayne? It
12 can't change.

13 MR. IOZZO: No, but that doesn't mean
14 that if you -- you know, things can be --

15 MS. MCCracken: De-annexed.

16 MR. IOZZO: -- de-annexed, especially if
17 they're on the border on two sides of -- of a
18 different, you know -- again --

19 MS. DIMITROFF: Okay. Bill, any
20 questions?

21 MR. KOHL: No. I'm very comfortable
22 with the fact that what they're really trying to do
23 is take an eyesore out of circulation, keep it in
24 the Village, and -- and, as Fred points out, keep

1 the corner.

2 MS. DIMITROFF: I'm also keeping the
3 corner, but they don't have to do this to remove
4 the house. I just want to be clear.

5 MR. HANDLEY: They don't have to do what?

6 MS. DIMITROFF: They don't have to do
7 this to take the house down.

8 MS. TRANCHIDA: They don't have to
9 rezone. They have to rezone (crosstalk).

10 MR. KOHL: They just can't -- they can't
11 rebuild, and -- and that's the issue.

12 MS. DIMITROFF: Right.

13 MR. KOHL: And -- and I'm comfortable
14 with the fact that a house could be built there. I
15 mean, if you drive by and look in what is there,
16 it's fading fast. It's -- it's more of an eyesore
17 than -- than a -- than a positive attribute for our
18 village.

19 MS. TRANCHIDA: If they're not going to
20 rebuild right away, why rezone now?

21 MS. DIMITROFF: I don't know.

22 MS. MCCracken: That's a fair question.
23 Because at -- at a certain point -- so understand,
24 if we don't rezone and we want to rebuild at some

1 point in the future, we can't take it down. So if
2 we take it down right now, we're -- we can't
3 rebuild, period.

4 MS. DIMITROFF: Why?

5 MS. MCCrackEN: Because it's W1.

6 MR. HANDLEY: Because it's --

7 MS. MCCrackEN: You can't rebuild when
8 it's a -- when it's a --

9 MS. DIMITROFF: But --

10 MS. MCCrackEN: -- nonconforming use.

11 MS. DIMITROFF: I -- I get it. So you
12 still have to then come back and say, hey, can we
13 make this now W1?

14 MS. MCCrackEN: Right. But we're
15 getting to the point where this house needs -- it
16 needs to come down, and at some point, we would
17 like to rebuild. So why would I split it in two so
18 that I can spend the next five years with it vacant
19 so I can come back to you and say, gee, I really
20 want to rezone this and everybody says, no, I
21 really like it vacant?

22 MR. HANDLEY: That's fair. But you
23 don't have any idea how much the -- the state took
24 off of the --

1 MS. MCCracken: Well -- well, I'm --
2 I've got an idea, so I can show you. So they
3 clipped off that corner.

4 MR. HANDLEY: Okay.

5 MS. MCCracken: Okay? And then, you'll
6 see they took some right-of-way because you'll see
7 there's a -- a jog to the south.

8 MR. HANDLEY: Okay.

9 MS. MCCracken: So I just don't know the
10 exact square footage.

11 MR. HANDLEY: What about the western
12 point? Is it -- is there everything that's hashtag
13 there that's taken?

14 MR. KOHL: I think so.

15 MS. MCCracken: That right there.

16 MR. KOHL: They put in a turn lane there
17 to go down --

18 MR. HANDLEY: Right.

19 MR. RICHARD: Yeah.

20 MR. KOHL: -- to the river. I think all
21 of that hash here is the taking.

22 MS. MCCracken: Well, I'm not going to
23 say that until I -- I mean, again, until I see the
24 ED order. It's an older court order, so it's hard

1 to get your hands on to clarify the square footage,
2 and it just gave a legal description and no square
3 footage --

4 MR. HANDLEY: Yes.

5 MS. MCCracken: -- on the docket.

6 MR. HANDLEY: That's impossible to
7 figure out.

8 MS. MCCracken: Well, I think we can,
9 honestly. So our -- really, the first thing that's
10 going to happen is we're going to resurvey, update
11 -- resurvey the property, update, mark all the
12 corners, and identify -- I'm not even sure I would
13 trust the IDOT court order from when this taking
14 occurred, so I would rather have a surveyor tell me
15 what kind of square footage we're talking about.

16 MR. HANDLEY: How -- how long ago was
17 the taking? What -- what's the case?

18 MS. DIMITROFF: I want to say, on that
19 plan, I thought it said 1989.

20 MS. MCCracken: I think it was '80 -- I
21 was going to say '89.

22 MS. DIMITROFF: I -- I think it says
23 right there.

24 MS. MCCracken: Yeah, it does.

1 MS. DIMITROFF: It says somewhere --

2 MS. MCCracken: I don't have my glasses
3 on.

4 MS. DIMITROFF: -- because I -- I read
5 it. Yeah.

6 MS. MCCracken: Yeah. It's -- it's an
7 '89 taking. Yep, Case Number 89AD.

8 MR. HANDLEY: Okay.

9 MS. DIMITROFF: So Mr. -- oh my God.

10 MR. YAVARI: Yavari. Yavari.

11 MS. DIMITROFF: Thank you. I don't know
12 why -- I've written it down so many times this
13 weekend. Do you have any intention of trying to
14 split this lot into two after this, or --

15 MR. YAVARI: Not -- I don't, not
16 currently.

17 MS. DIMITROFF: Not currently.

18 MR. YAVARI: But I don't -- I have three
19 children, the youngest one being 22. My plans,
20 like I said, are to fill it, you know, tear the
21 house down, improve the property, and simply, like
22 everybody else, try to protect my economic interest
23 and a piece of property that I own.

24 MS. DIMITROFF: Right. Potentially sell

1 it. I mean, if we did that, you would --

2 MR. YAVARI: No. I -- I've kept this
3 three -- I've kept these three parcels together.
4 We've enjoyed, you know -- very much enjoyed living
5 there and have no plans on moving, but you never
6 know how things turn out. So my plan is to stay
7 here and improve it, just like I did the other two
8 lots that we have.

9 MS. DIMITROFF: Okay.

10 MR. RICHARD: So you're not a developer?

11 MR. YAVARI: I'm clearly not a developer.

12 MS. DIMITROFF: Anyone else have
13 questions?

14 MR. WILSON: Did you have anything that
15 you wanted them to testify to?

16 MS. MCCracken: No. I think that we've
17 answered all the questions, Pete, and all of these
18 documents are already in the record. They were
19 part of the application. So I've provided in the
20 application proof of ownership, so I -- I think
21 that we've checked all the boxes --

22 MR. WILSON: Okay.

23 MS. MCCracken: -- unless you can think
24 of a box I missed.

1 MR. WILSON: Nope. And you could see if
2 --

3 MS. DIMITROFF: Is this --

4 MR. WILSON: -- there's any member of
5 the public who wants to speak.

6 MS. DIMITROFF: Well, they have to be
7 sworn in. So is this a standard for variation, or
8 is this something different?

9 MR. WILSON: That's a variation.

10 MS. DIMITROFF: So this is not what
11 we're doing?

12 MR. WILSON: That's not what we're
13 doing. This is rezoning.

14 MS. DIMITROFF: All right. Does any
15 member of the public have questions before you
16 would -- do they -- can they ask questions, or they
17 have to -- do they have to be sworn in?

18 MR. WILSON: They would have to be sworn
19 in, if --

20 MS. DIMITROFF: Okay. Sworn?

21 MR. WILSON: -- they weren't before.

22 MS. DIMITROFF: Anybody?

23 MR. WILSON: Okay. You can close the
24 public hearing, and then it's discussion of the

1 Plan Commission as to what they want to do.

2 MR. RICHARD: So a motion to close.

3 MS. DIMITROFF: Anyone second?

4 MR. WILSON: She can just close the
5 public hearing.

6 MS. DIMITROFF: Oh, just public. The --
7 so we're going to -- no more questions? All right.
8 We're going to close the public hearing; open for
9 discussion.

10 (Off the record at 7:34 p.m.)

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I, Lawrence Wallace, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings were fully sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



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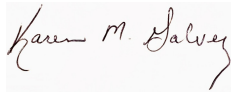
FOR THE STATE OF ILLINOIS

October 28, 2024

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PLANET DEPOS, LLC
October 28, 2024

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