BEFORE THE DU PAGE COUNTY 
ZONING BOARD OF APPEALS

September recommendation meeting.

September 6, 2018
5:30 p.m.

PROCEEDINGS HAD and testimony taken before the
DU PAGE COUNTY ZONING BOARD OF APPEALS, taken at the DuPage County Administration Building, 421 N. County Farm Road, Wheaton, Illinois, before LINDA M. CIOSEK, C.S.R. a Notary Public qualified and commissioned for the State of Illinois.

BOARD MEMBERS PRESENT:
MR. ROBERT KARTHOLL, Chairman.
MR. BARRY KETTER, Commissioner.
MR. MIKE LOFTUS, Commissioner.
MR. JOHN HAKIM, Commissioner.
MR. JACK MURPHY, Commissioner.
MR. DENNIS MORAN, Commissioner, via telephonically.
MR. CARL SCHULTZ, Commissioner.

ALSO PRESENT:
MS. JESSICA INFELISE, Zoning Coordinator.
MR. PAUL HOSS, zoning & Planning Administrator.

CHAIRMAN KARTHOLL: Let's go on the record. We're here for our September recommendation meeting, and the first item on the agenda is the Salvation Army, which was a York Township case. Can I take a motion on that case after discussion?

COMMISSIONER KETTER: I'd move to grant as filed with the variances and the conditional use.

COMMISSIONER HAKIM: I will second the motion.

CHAIRMAN KARTHOLL: Motion by Mr. Ketter, seconded by Mr. Hakim. Any discussion on the motion?

COMMISSIONER KETTER: Just that we did put hours of operation on it.

CHAIRMAN KARTHOLL: So that's in the conditions.

Okay, no discussion?

COMMISSIONER MURPHY: Their sign will be about the smallest sign in the block there. Some of those signs are 10, 12 feet tall there. I looked at the site today.

COMMISSIONER HAKIM: That's one thing, and they have taken great care to ensure that there will be no vision problems for traffic, and everything is an improvement, so I see no reason to not approve it.

CHAIRMAN KARTHOLL: No further discussion?

(No response.)

CHAIRMAN KARTHOLL: If there is no further discussion, would you then call the roll, and the record should reflect that Mr. Moran is here telephonically.

MR. HOSS: Dennis, can you hear us okay?

COMMISSIONER MORAN: I can hear you.

MS. INFELISE: Mr. Ketter?

COMMISSIONER KETTER: Aye.

MS. INFELISE: Mr. Hakim?

COMMISSIONER HAKIM: Aye.

MS. INFELISE: Mr. Schultz?

COMMISSIONER SCHULTZ: Aye.

MS. INFELISE: Mr. Murphy?

COMMISSIONER MURPHY: Aye.

MS. INFELISE: Mr. Moran?

COMMISSIONER MORAN: Aye.

MS. INFELISE: Mr. Kartholl?

CHAIRMAN KARTHOLL: Aye, and I will indicate I familiarized myself with the record, though I did not attend the hearing because I was out of the country.

So, the motion passes by a vote of 7 in favor and none opposed.

That takes us to the Kearney petition.

This matter was set for a hearing this evening. The petitioner has requested that it be deferred until our October recommendation meeting. There are some issues.

Because of the absence of an engineer, I understand there was some issues in complying with our request for certain site plan information, so that's the reason for the request.

Can I entertain a motion to defer?

COMMISSIONER KETTER: So moved.

COMMISSIONER LOFTUS: Second.

CHAIRMAN KARTHOLL: Mr. Ketter moving and Mr. Loftus is second. Any discussion on the motion?

(No response.)

CHAIRMAN KARTHOLL: All in favor of the motion, signify by saying aye.

(Whereupon, all commissioners responded aye.)

CHAIRMAN KARTHOLL: The matter will be deferred.

And then Group A -- it's deferred until our October recommendation meeting. Is that the 4th of October?

MR. HOSS: 4th of October, yeah.

CHAIRMAN KARTHOLL: Okay.

Group A Architecture, a Downers Grove petition.
COMMISSIONER HAKIM: I will make a motion, Mr. Chairman, to approve the petitioner's request. They have made quite -- well, I'll wait for a second.

COMMISSIONER MURPHY: I'll second it.

CHAIRMAN KARTHOLL: Motion by Mr. Hakim, seconded by Murphy. Do you want to continue your remarks, Mr. Hakim?

COMMISSIONER HAKIM: Well, the petitioner has made a fairly cogent and comprehensive reasoning for allowing us -- for requesting us to change the zoning from an R-4 to R-5, and to be permitted to build these townhouses there. It will be a definite improvement to the area and will hopefully help the economy. I was concerned somewhat about the traffic as to how people would get into the area, but as was pointed out, there's a turn lane on 83 when you're headed south, which would assist people to actually enter the development. So, I am in favor of granting the petitioner's request.

CHAIRMAN KARTHOLL: Okay, thank you. Any further discussion?

COMMISSIONER KETTER: Just note for the record we had testimony from one of the residents that had an adjacent property, this was the one where they were going to address the development. So, I am in favor of granting the petition.

CHAIRMAN KARTHOLL: Then he talked about the other developments.

COMMISSIONER KETTER: That are going to be back away. That's when this property will become a buffer. When you put this in, it's going to buffer 83 and some of the industrial or the factories and the gas stations and everything else from down the road set back further of the

We need to make it a condition. They're going to be landscaping it, but just to give extra attention to that south area.

COMMISSIONER LOFTUS: I'd like to make a comment as well. I'm going to vote to approve it, but I'm going to take issue. I found this not cogent at all. I mean, this was a terrible presentation from every aspect that I saw. I felt that the architect was more looking at what he felt would be a nice Architectural Digest property that he could show off and everything, but he did not present well.

We had to sort through this. He contradicted himself over and over again on things that obviously we knew enough from working on this that -- the fact he went past himself. I'm going with the fact that the owner of the property had to step forward and step in for him, and he stepped in to try and save the day, so to speak. It was done, and I think this is a proper property for it. But it's through the experience that I've had since I've been on the Board watching this, not because the guy convinced me through his circular things and contradicting himself. At one point in time he got off track and said, well, the trend of development is for R-5, but these two sites put in are R-4.

Well, that's not what it is. They talked in circles.

CHAIRMAN KARTHOLL: I'm glad you raised that, because this is another case I was out of the country and tried to familiarize myself with the record, and it was a bit of a challenge. One of the items that's ordinarily testified to is the marketing efforts on the property and the difficulties on the property. Evidence that, yeah, there was -- it's been marketed so long that the for sale sign is deteriorated and obliterated. Well, that doesn't make a lot of sense to me. Was it marketed, or wasn't it marketed?

COMMISSIONER KETTER: The testimony then did come out. The owner, who is a builder, had looked at, and it did not -- he could not buy it to build on it, didn't meet that bill, it did not pass that test. The testimony eventually came out. It was on the market, and the reason it didn't sell was for the same reasons he said he didn't buy it prior to this, because it's not buildable for single families when you put them up to the highway there. And it was -- it took a while to get it out, but we got all the facts out.

CHAIRMAN KARTHOLL: Okay, thank you. Any further presentation to us.

COMMISSIONER KETTER: The person who started making the presentation did not make a good presentation, and frankly, the gentleman who is going to be -- was the builder owner, he came in and saved the day, and that is what I was referring to. He did a far better job in making the presentation to us. He did a far better job in making the presentation to us. That whole area needs help, and I'm probably interjecting, but I want it in the record the parties were in agreement, and I don't think it was -- it's been marketed so long that the for sale sign is deteriorated and obliterated. Well, that doesn't make a lot of sense to me. Was it marketed, or wasn't it marketed?

COMMISSIONER KETTER: That is going to be back away. That's when this property will become a buffer. When you put this in, it's going to buffer 83 and some of the industrial or the factories and the gas stations and everything else from down the road set back further of the

bigger family homes.

CHAIRMAN KARTHOLL: The buffer notion is required so as to avoid the spot zoning issue?

COMMISSIONER LOFTUS: His terminology for buffer was not the same as we would use here, just as a sound buffer or something. It's back away from the road, to put the development away from the road, and the land would be a nice buffer, but it's landscape buffering, it's not a true -- but the point is it's something. That whole area needs help, and this is a good program looking at it. I'm working from history and I'm probably interjecting, but I want it in the record that I'm doing it for this reason, that if I had to go straight on the guy's -- what I recall his testimony and what I reread, it was not cogent. It was circular.

CHAIRMAN KARTHOLL: That's the record.

COMMISSIONER KETTER: All the elements are in it.

CHAIRMAN KARTHOLL: I'm not convinced.

COMMISSIONER HAKIM: The person who started making the presentation did not make a good presentation, and frankly, the gentleman who is going to be -- was the builder owner, he came in and saved the day, and that is what I was referring to. He did a far better job in making the presentation to us.
CHAIRMAN KARTHOLL: But your point is not based on the record, based on your own understanding.

COMMISSIONER LOFTUS: It's in the record, but it was circular. They mention it, then they contradict it, and they come back again. It was all over the place.

CHAIRMAN KARTHOLL: I was going to ask whether there is any appetite for an additional public hearing to clean up the record, but if you guys feel there's not, then I'm just going to vote no, because I don't think the record is clear. But, like you, Mr. Loftus, I think this makes -- in the abstract, it makes perfect sense. I'm having a little problem when we send so many petitioners home and say fix your case and make a record, but this guy we--

COMMISSIONER KETTER: We did. I said if they weren't prepared. When the owner got up who is a builder, he met all the requirements that we need to approve this and put it --

CHAIRMAN KARTHOLL: But in conclusory fashion without very much substance, and so when I look at the record -- I wasn't here to see it, but I read it, and I don't agree, but that's fine.

COMMISSIONER SCHULTZ: I was just going to say in the additional information, I think a lot of the -- to me, the additional information made a much more cogent argument in terms of saying -- you know, giving us a time frame that it had been publicly available for developing single family and never had been.

COMMISSIONER HAKIM: That's all part of the record.

COMMISSIONER SCHULTZ: Yeah, it was part of the record, but it wasn't necessarily part of the presentation we heard. So I think the amended -- or the additional information kind of fulfills the holes that I had in my opinion.

COMMISSIONER LOFTUS: My comments were in response to John's comments cogent. Let's vote on the motion to approve.

MS. INFELISE: Mr. Hakim?

COMMISSIONER HAKIM: Aye.

MS. INFELISE: Mr. Murphy?

COMMISSIONER MURPHY: Aye.

MS. INFELISE: Mr. Moran?

COMMISSIONER MORAN: Aye.

MS. INFELISE: Mr. Schultz?

COMMISSIONER SCHULTZ: Aye.

MS. INFELISE: Mr. Loftus?

COMMISSIONER LOFTUS: A reluctant yes.
So the motion passes by a vote of 7 in favor and none opposed.

That takes us to the Foss petition, a Bloomingdale case. If somebody can make a motion on that.

COMMISSIONER KETTER: I'd move to grant it as presented. Conditional use, the condition I would put on it that it has to stay as a garage. And I checked with Paul, and they did turn in an updated site plan that is valid showing the dimensions of where it's going to be.

COMMISSIONER LOFTUS: I'll second that for the same reasons. The concern we had was sketched-in things on the drawing. It was straight forward otherwise, and I concur with what Mr. Ketter said.

CHAIRMAN KARTHOLL: Anything else?

COMMISSIONER MORAN: Can I get one thing in?

CHAIRMAN KARTHOLL: Hold on one second, Dennis. Motion by Mr. Ketter, second by Mr. Loftus. Now I'll turn to Mr. Moran.

COMMISSIONER MORAN: I just want -- it's a big garage. I was wondering, Mr. Kartholl, if we could put a condition on it that no business will be ran out of it.

CHAIRMAN KARTHOLL: I think it's an automatic condition.

COMMISSIONER KETTER: That's what I just said.

MR. HOSS: Condition 2. It's condition 2.

COMMISSIONER KETTER: I thought I had said that in the motion. I didn't?

MR. HOSS: Yeah, but it is condition 2.

CHAIRMAN KARTHOLL: Just to be clear, that condition is one of our standard conditions, and it's recorded by the County with the Recorder's Office as I recall.

MR. HOSS: Yes.

CHAIRMAN KARTHOLL: Okay. Call the roll, please, on the motion.

MS. INFELISE: Mr. Ketter?

COMMISSIONER KETTER: Aye.

MS. INFELISE: Mr. Loftus?

COMMISSIONER LOFTUS: Aye.

MS. INFELISE: Mr. Moran?

COMMISSIONER MORAN: Aye.

MS. INFELISE: Mr. Schultz?

COMMISSIONER SCHULTZ: Aye.

MS. INFELISE: Mr. Murphy?

COMMISSIONER MURPHY: Aye.

MS. INFELISE: Mr. Hakim?

COMMISSIONER HAKIM: Aye.

MS. INFELISE: Mr. Kartholl?

CHAIRMAN KARTHOLL: Aye. The motion passes by a vote of 7 in favor and none opposed.

I want to suspend the recommendation hearing and reopen Z18-041. (Whereupon, the recommendation meeting was suspended to continue another hearing, after which the recommendation meeting will continue.)

CHAIRMAN KARTHOLL: Let's continue Z18-041. Is there a motion on this matter?

COMMISSIONER SCHULTZ: I move to approve.

CHAIRMAN KARTHOLL: Okay. Motion by Mr. Schultz to approve.

COMMISSIONER KETTER: I'll second it.

CHAIRMAN KARTHOLL: Second by Mr. Ketter.

COMMISSIONER MORAN: No, I did not. You motioned to approve?

CHAIRMAN KARTHOLL: Yeah, we have Mr. Schultz made a motion to approve, Mr. Ketter seconded the motion, and of course the motion is subject to standard conditions.

COMMISSIONER MORAN: Gotcha. I just want, for the record, I wasn't there, but I did familiarize myself with the case, and I'm ready to vote.

CHAIRMAN KARTHOLL: Okay.

COMMISSIONER LOFTUS: For the record, it was a well-done presentation. The letters answered the questions that we had clearly on the whole thing, and I have no concerns with it whatsoever moving forward.

CHAIRMAN KARTHOLL: Then, again, call the roll on the motion.

MS. INFELISE: Mr. Schultz?

COMMISSIONER SCHULTZ: Aye.

MS. INFELISE: Mr. Ketter?

COMMISSIONER KETTER: Aye.

MS. INFELISE: Mr. Moran?

COMMISSIONER MORAN: Aye.

MS. INFELISE: Mr. Murphy?

COMMISSIONER MURPHY: No.

MS. INFELISE: Mr. Hakim?

COMMISSIONER HAKIM: Aye.

MS. INFELISE: Mr. Loftus?

COMMISSIONER LOFTUS: Aye.

MS. INFELISE: Mr. Kartholl?

CHAIRMAN KARTHOLL: I vote aye, again after having familiarized myself with the record.

CHAIRMAN KARTHOLL: So the motion passes by a vote of 6 in favor and 1 opposed. It will go forward with a
favorable recommendation.

No other matters coming before the Board this evening according to our agenda, so we stand adjourned.

(Which were all the proceedings had and testimony taken in the above-entitled cause.)

STATE OF ILLINOIS )
COUNTY OF DU PAGE ) SS.

I, LINDA M. CIOSEK, C.S.R. No. 084-2892, duly qualified and commissioned for the State of Illinois, County of DuPage, do hereby certify that at the request of the DU PAGE COUNTY ZONING BOARD OF APPEALS, subject to the usual terms and conditions of County Court Reporters, Inc, reported in shorthand the proceedings had and testimony taken at the public hearing of the above-entitled cause, and that the foregoing transcript is a true, correct and complete report of the testimony so taken at the time and place hereinafore set forth.

__________________________
CERTIFIED SHORTHAND REPORTER
A
above-entitled 17:6 18:9
absence 4:3
abstain 11:4
abstention 11:6
abstract 9:12
Addison 11:7
additional 9:8
9:24 10:1,8
address 5:22
adjacent 5:21
adjourned 17:3
Administration 1:7
Administrator 1:21
agenda 2:3 17:3
agree 9:21
agreement 5:24
ahead 8:24
allowing 5:8
amended 10:8
answered 11:24
16:3
APPEALS 1:1,6
18:6
appetite 9:8
approve 2:21 5:2
6:5 9:17 10:14
12:8 15:11,13
15:18,20
architect 6:8
Architectural 6:9
Architecture 4:23
area 5:11,13 6:3
8:9
argument 10:1
Army 2:3
asked 11:10
aspect 6:7

B
assist 5:15
attend 3:19
attention 6:2
attorney 11:12
automatic 13:22
available 10:3
avoid 8:3
eye 3:6,8,10,12
3:14,16,18
4:13,15 10:16
10:18,20,22
11:2 12:10,12
12:14,16,18,20
12:22 14:12,14
14:16,18,20,22
14:24 16:9,11
16:13,17,19,21

C
C.S.R 1:8 18:3
call 3:1 12:7
14:9 16:6
care 2:19
CARL 1:18
carries 11:5
case 2:4,4 7:1
9:14 11:13,13
11:19 13:4
15:24
cause 17:6 18:9
certain 4:4
CERTIFIED 18:16
certify 18:5
Chairman 1:12
2:1,9,13,22,24
3:18 4:9,12,16
4:18,22 5:2,5
5:18 6:24 7:18
8:2,15,17 9:2,7
9:19 10:13
11:4 12:5,7,22
13:14,16,22
14:5,9,24 15:9
15:12,15,19
16:1,6,21,23
challenge 7:3
change 5:9
checked 13:7
CLOSED 1:8
18:3
circles 6:23
circular 6:20
8:14 9:5
clean 9:8
clear 9:10 14:5
clearly 11:24
16:4
cogent 5:8 6:6
8:14 10:1,12
come 7:9 9:6

conditions 2:13
14:6 15:21
18:7
continue 5:6
15:6,8,9
contradict 9:5
contradicted 6:11
contradicting 6:20
convinced 6:19
8:17
Coordinator 1:20
correct 18:10
country 3:20 7:1
12:24
County 1:1,6,7,7
14:7 18:2,5,6,7
course 15:21
court 11:11,11
18:7

D
day 6:16 8:21
defer 4:6
deferred 4:1,18
4:19
definite 5:11
dennis 1:17 3:3
13:16
deriorated 7:7
developing 10:3
development 5:16 6:22 8:7
developments 7:19
difficulties 7:5
Digest 6:9
dimensions 13:9
discussion 2:5
2:10,14,22 3:1
4:10 5:19
doing 8:12 11:24

County Court Reporters, Inc.
630.653.1622