

BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

August Recommendation Meeting.) Z24-02,
Z24-044, Z24-049, T-2-24

August 1, 2024

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 North 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. DENNIS MORAN, Commissioner.

MR. BARRY KETTER, Commissioner,

MR. CARL SCHULTZ, Commissioner, via

Zoom.

MR. ZAIN RAHMAN, Commissioner.

ALSO PRESENT:

MS. JESSICA INFELISE DATZMAN, Planning &
Zoning.

MR. PAUL HOSS, Planning & Zoning.

<p style="text-align: right;">Page 2</p> <p>1 CHAIRMAN KARTHOLL: It's 5:30 and I want 2 to call the meeting to order. I'll note that 3 there are only three members present, a couple 4 of members have apparently been delayed, so I'm 5 going to just call the preliminary matters 6 asking whether there is public comment that is 7 going to be offered this evening? 8 MS. INFELISE DATZMAN: No. 9 CHAIRMAN KARTHOLL: No public comment 10 has been proposed. We have no minutes to 11 approve, and there is no old business, no new 12 business, and so now I will go off the record 13 and wait for a couple of other members. 14 (Whereupon, a brief recess 15 was had.) 16 CHAIRMAN KARTHOLL: Back on the record. 17 We still have only three people here in person, 18 and that is not sufficient to establish a 19 quorum for a voting meeting, and so therefore I 20 have to continue this case until next Thursday 21 which is August 8th, 2024, to be held in this 22 room, the cafeteria? Upstairs in 3500-B? To 23 be held in room 3500-B starting at 6:00 p.m. 24 Unfortunately I'm not able</p>	<p style="text-align: right;">Page 4</p> <p>1 can undertake the business agenda of the 2 meeting. 3 The first item on the agenda 4 -- so, the first item on the agenda is to 5 permit Mr. Schultz who is present by Zoom to 6 vote by Zoom, a nicety that we don't observe 7 for non-voting meetings, but may I have a 8 motion to permit Mr. Schultz to appear and vote 9 by Zoom? 10 COMMISSIONER MORAN: I make that motion. 11 COMMISSIONER KETTER: Second. 12 CHAIRMAN KARTHOLL: Seconded by Mr. 13 Ketter. Any discussion on the motion? 14 (No response.) 15 CHAIRMAN KARTHOLL: All in favor of the 16 motion, please signify by saying aye. 17 (Whereupon, all 18 Commissioners responded 19 aye.) 20 CHAIRMAN KARTHOLL: Any opposed? 21 (No response.) 22 CHAIRMAN KARTHOLL: The motion carries. 23 The next item is Mr. 24 Daniel's case which is 24-02, the Pinnacle at</p>
<p style="text-align: right;">Page 3</p> <p>1 to conduct any other business this evening. We 2 have one member who is -- or one seat of the 3 Board that is now vacant and then one member 4 present by Zoom, again not sufficient to 5 establish a quorum, and then two members who 6 are uncharacteristically and unusually absent, 7 so unfortunately we're not able to conduct 8 business this evening. 9 With that, I have to adjourn 10 the meeting. I apologize for the 11 inconvenience. I will say that you are all 12 able to participate by Zoom as well on the 8th, 13 and this will be the first -- we have another 14 hearing scheduled for that meeting, but this 15 will be the first item on the -- I change my 16 mind. We have a quorum. 17 (Whereupon, Commissioner 18 Rahman entered the meeting.) 19 CHAIRMAN KARTHOLL: Okay. When the 20 music stops, take a chair. 21 I'd like to indicate we now 22 have four members present in person and one 23 member present by Zoom or telephone, so I will 24 declare that there is a quorum present and we</p>	<p style="text-align: right;">Page 5</p> <p>1 Meyers petition. Mr. Daniels has requested 2 another continuance, this time for 60 days. 3 So do we have a proposed 4 date for the -- if we grant that continuance, 5 can I continue to a date specific? 6 MS. INFELISE DATZMAN: That would be 7 October 3rd. 8 CHAIRMAN KARTHOLL: October 3rd. So, I 9 invite a motion to continue 24-02 Pinnacle at 10 Meyers until October 3rd, 2024 at 6:00 p.m. in 11 room 3500-B. 12 COMMISSIONER KETTER: So moved. 13 CHAIRMAN KARTHOLL: Motion by Mr. 14 Ketter. Is there a second to that motion? 15 COMMISSIONER MORAN: I'll second it. 16 CHAIRMAN KARTHOLL: Seconded by Mr. 17 Moran. 18 Any discussion on that 19 motion? 20 (No response.) 21 CHAIRMAN KARTHOLL: All in favor of the 22 motion, please signify by saying aye. 23 (Whereupon, all 24 Commissioners responded</p>

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1 aye.)

2 CHAIRMAN KARTHOLL: Is there any

3 opposed?

4 (No response.)

5 CHAIRMAN KARTHOLL: None opposed, the

6 motion carries.

7 I now have two items where

8 the petitioner has a request to withdraw.

9 Those are 24-044 and 049, Oburrdale, Inc. and

10 Falcon Point Subdivision respectively. That's

11 our custom to vote on the request to approve

12 the request to withdraw and then dismiss the

13 case for further action.

14 May I have such a motion?

15 COMMISSIONER KETTER: So moved.

16 CHAIRMAN KARTHOLL: Motioned by Mr.

17 Ketter.

18 COMMISSIONER MORAN: Second.

19 CHAIRMAN KARTHOLL: Seconded by Mr.

20 Moran.

21 Any discussion on that

22 motion?

23 (No response.)

24 CHAIRMAN KARTHOLL: All in favor of the

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1 motion, signify by saying aye.

2 (Whereupon, all

3 Commissioners responded

4 aye.)

5 CHAIRMAN KARTHOLL: Any opposed?

6 (No response.)

7 CHAIRMAN KARTHOLL: None opposed, the

8 motion carries.

9 We now have the first

10 substantive item on the agenda which is the

11 consideration of Text Amendment T-2-24. I

12 don't think I have to recuse myself from this,

13 but my dear aunts are quite fond of reminding

14 me that when I was born my grandparents lived

15 in Elmhurst and had goats. The goat barn was

16 converted to what has been described to me as a

17 cute goat house where I lived for the first two

18 years of my life, so I have some sympathy for

19 this petition, I mean for this text amendment.

20 A lot of changes since time, I'll note, one of

21 which is a GOAT is now an acronym for people

22 like Paul and Simone Biles and others.

23 Now, having said that, I am

24 generally -- I'm addressing that portion of the

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1 text amendment which deals with accessory

2 dwelling units. Again, I'm supportive of this,

3 but I was very much persuaded by my own sense

4 that there is great value in public hearings to

5 flesh out the details of various zoning cases.

6 I was very much persuaded by the testimony of

7 those who spoke about this text amendment, and

8 I believe that this provision should be

9 restyled as a conditional use rather than come

10 to us as an amendment which would permit the

11 accessory dwelling units as a matter of right.

12 Again, we -- I don't know, I

13 don't think any of us knows how many properties

14 within the County might qualify for treatment

15 here, but I think they should be addressed on a

16 case-by-case basis. Again, there is great

17 value in hearing from the neighbors to any

18 proposed accessory dwelling unit that is to be

19 converted from some existing building on the

20 property. And so this may be a little bit more

21 policy than clarification of the language of

22 the text amendment, but I think that one of the

23 changes that should be made to this text

24 amendment is that it be styled as a conditional

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1 use, then we can put conditions, we can, you

2 know, qualify it, we can hear from neighbors as

3 to the particular impact of the particular

4 property at issue.

5 And then the next thing that

6 I think is important, again taking a cue from,

7 well, my own sense of what practically works,

8 and again from the testimony of neighbors, is

9 that we need to do something to protect against

10 transient housing. And what I think works is

11 to require within the conditional use structure

12 that the proposed accessory dwelling unit be

13 occupied for a minimum of six months pursuant

14 to a valid lease. So rather than overnight or

15 short-term housing units, if the matter would

16 come to us under a conditional use, one of the

17 qualifications -- not conditions, but

18 qualifications for each instance would be a

19 six-month lease rather than overnight, you

20 know, something as short as overnight or a

21 week, you know, brief period.

22 So, those are some thoughts

23 that I have about how this text amendment might

24 be revised slightly and recommended to the

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1 County Board in that manner.
 2 If others feel differently,
 3 please, you know, jump in and I'll pass the
 4 microphone to anybody that wants to speak.
 5 Zain, nothing?
 6 COMMISSIONER KETTER: Your comments
 7 changed my standing on it. Your comments on
 8 making it a conditional use on those dwelling
 9 part has changed my opinion on it. Six months,
 10 I guess I'd probably look for a year, but six
 11 months is better than, you know, however you
 12 want to do it.
 13 CHAIRMAN KARTHOLL: Well, the final
 14 determination will be made by the County Board,
 15 of course, and my notion of six months is, you
 16 know, maybe just a way to get the conversation
 17 started, they can go to a year or six months or
 18 nine months or whatever. I hope they would not
 19 go less than six months when they make a final
 20 determination, if they would permit
 21 consideration of this requirement at all.
 22 Again, it would not be a condition to be
 23 imposed during the course of a public hearing,
 24 it would be a qualification for the requested

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1 conditional use and automatically, you know,
 2 part of the process. So those are my thoughts.
 3 The other, I'll say for the
 4 record, that the text amendment also addresses
 5 this electric vehicle thing, charging stations
 6 for electric vehicles; we didn't have those at
 7 the goat house. And then what is
 8 euphemistically called a flag lot provision.
 9 I don't have any comments on any of those. Do
 10 any of you others have comments on those
 11 provisions of the proposed text amendment?
 12 (No response.)
 13 CHAIRMAN KARTHOLL: Well, then may I
 14 invite a motion -- assuming that you're
 15 supportive of the text amendment, may I invite
 16 a motion to approve the text amendment as
 17 revised in accordance with the remarks that I
 18 made, and we'll leave the wording of those
 19 provisions to be developed by our staff.
 20 COMMISSIONER KETTER: So moved.
 21 CHAIRMAN KARTHOLL: Motion again by Mr.
 22 Ketter.
 23 COMMISSIONER MORAN: Second.
 24 CHAIRMAN KARTHOLL: Seconded by Mr.

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1 Moran. Any discussion on the motion?
 2 (No response.)
 3 CHAIRMAN KARTHOLL: At this time we'll
 4 ask for a roll call motion, please.
 5 MS. INFELISE DATZMAN: Member Ketter?
 6 COMMISSIONER KETTER: Aye.
 7 MS. INFELISE DATZMAN: Member Moran?
 8 COMMISSIONER MORAN: Aye.
 9 MS. INFELISE DATZMAN: Member Rahman?
 10 COMMISSIONER RAHMAN: Aye.
 11 MS. INFELISE DATZMAN: Member Schultz?
 12 COMMISSIONER SCHULTZ: Aye.
 13 MS. INFELISE DATZMAN: Chairman
 14 Kartholl?
 15 CHAIRMAN KARTHOLL: Aye.
 16 The vote is 5 in favor and
 17 none opposed, so we'll go forward to the County
 18 Development Committee with that, with a
 19 recommendation for approval.
 20 There is no other business
 21 to be considered this evening, so I think we're
 22 prepared to adjourn the meeting. Thank you,
 23 folks, for attending and you will have an
 24 opportunity to address any comments that you

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1 may like to make in connection with the text
 2 amendment to the County Development Committee.
 3 You can get that schedule from our staff.
 4 MS. KUNTZE: May I ask just one
 5 question. Do you need my name? Rose Kuntze,
 6 K-u-n-t-z-e. So, you have approved the text
 7 amendment as it exists or after revisions are
 8 made? Don't you have to, like, look at it
 9 again after the revisions are made for this
 10 conditional use?
 11 CHAIRMAN KARTHOLL: No, because part of
 12 the motion was to leave the drafting of those
 13 provisions to our staff. We don't have to have
 14 it back.
 15 MS. KUNTZE: So how do you know it's
 16 what you intended?
 17 CHAIRMAN KARTHOLL: Because it's
 18 customary for us to leave drafting to the
 19 staff, and then it goes to the Development
 20 Committee for consideration. They'll have this
 21 record and they'll understand our intent from
 22 the dialogue that we've had at the meeting and
 23 then they'll, you know, take whatever action
 24 they feel appropriate.

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1 MS. KUNTZE: So, in effect, the
 2 amendment cannot -- may not change at all
 3 before it goes to the Development Committee, or
 4 are you saying it must change before it goes to
 5 the --
 6 CHAIRMAN KARTHOLL: No, all I'm saying
 7 is that our recommendation to the -- all we do
 8 is make a recommendation. Our recommendation
 9 to the Development Committee is that they
 10 approve this text amendment as is with
 11 revisions to language to accommodate the two
 12 points that we discussed at this hearing.
 13 Again, they'll have a summary of that
 14 information, they'll have access to the
 15 transcript and they will review, you know, the
 16 language of the proposed text amendment.
 17 This is essentially a policy
 18 thing, so we don't make policy, we recommend
 19 and, you know, they will evaluate it.
 20 Now, having said that, you
 21 will -- you may, if you choose, have more
 22 influence than we do as the matter proceeds up
 23 the chain of command because you can comment to
 24 the Development Committee I think in writing

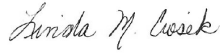
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1 certainly, and possibly in person at their
 2 recommendation meeting. And you can get the
 3 schedule and timing for that from our staff.
 4 I don't know that.
 5 MS. KUNTZE: So when would -- so I don't
 6 know when the next development or this
 7 Development Committee meeting would be, so when
 8 would that revised text be available to the
 9 public to make --
 10 CHAIRMAN KARTHOLL: Work with the staff
 11 on that, they'll make it available to you.
 12 MS. KUNTZE: The staff, meaning Jessica?
 13 CHAIRMAN KARTHOLL: Yeah, Jessica or
 14 Paul, whichever. Okay? You're Ms. Kuntze?
 15 MS. KUNTZE: Yes.
 16 CHAIRMAN KARTHOLL: And you commented
 17 fairly extensively at our public hearing?
 18 MS. KUNTZE: I did. I'm with West-Win
 19 Homeowners Association.
 20 CHAIRMAN KARTHOLL: Okay, thanks.
 21 Well, we stand adjourned for
 22 the evening.
 23 (Which were all the
 24 proceedings had and

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1 testimony taken in the
 2 above-entitled cause.)
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1 STATE OF ILLINOIS)
) SS.
 2 COUNTY OF DU PAGE)
 3 I, LINDA M. CIOSEK, C.S.R.
 4 No. 084-2892, duly qualified and commissioned
 5 for the State of Illinois, County of DuPage, do
 6 hereby certify that at the request of the DU
 7 PAGE COUNTY ZONING BOARD OF APPEALS, subject to
 8 the usual terms and conditions of Veritext,
 9 reported in shorthand the proceedings had and
 10 testimony taken at the public hearing of the
 11 above-entitled cause, and that the foregoing
 12 transcript is a true, correct and complete
 13 report of the testimony so taken at the time
 14 and place hereinabove set forth.
 15
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 19 
 20 CERTIFIED SHORTHAND REPORTER
 21
 22 My Commission Expires:
 23 July 26, 2026.
 24

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