

BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

October Recommendation Meeting.) Z24-002,
Z24-059.

October 3, 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. JACK MURPHY, Commissioner.

MR. CARL SCHULTZ, Commissioner.

MR. JAMES JAROG, Commissioner.

ALSO PRESENT:

MR. PAUL HOSS, Planning & Zoning.

<p style="text-align: right;">Page 2</p> <p>1 CHAIRMAN KARTHOLL: Let's come to order, 2 please, and I'll ask Mr. Hoss to call the roll 3 of the members because we have one member 4 absent. 5 MR. HOSS: Mr. Jarog? 6 COMMISSIONER JAROG: Here. 7 MR. HOSS: Mr. Schultz? 8 COMMISSIONER SCHULTZ: Here. 9 MR. HOSS: Mr. Moran? 10 COMMISSIONER MORAN: Here. 11 MR. HOSS: Mr. Murphy? 12 COMMISSIONER MURPHY: Here. 13 MR. HOSS: Mr. Ketter? 14 COMMISSIONER KETTER: Here. 15 MR. HOSS: Mr. Kartholl? 16 CHAIRMAN KARTHOLL: Also here. And 17 you're here. 18 And now we have some items 19 of minutes to be approved, and those include 20 the minutes for the hearing held August 22. 21 That's approval of the transcript, and the case 22 is 24-054, and it's entitled 5 Route 53, LLC. 23 The next minutes are for 24 August 27, 2024. That case is entitled Zoning</p>	<p style="text-align: right;">Page 4</p> <p>1 Township request. Mr. Daniel was the 2 representative for the petitioner, he's 3 requested to withdraw. It's our custom to 4 approve the withdrawal request, so may I have a 5 motion to approve? 6 COMMISSIONER MORAN: Make a motion to 7 withdraw. 8 CHAIRMAN KARTHOLL: Motion by Mr. Moran. 9 COMMISSIONER KETTER: Second. 10 CHAIRMAN KARTHOLL: And seconded by Mr. 11 Ketter. 12 Any discussion on the 13 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 Please give Mr. Daniel the good news that we 24 let him escape.</p>
<p style="text-align: right;">Page 3</p> <p>1 Petition 24-062 Falcon Point Subdivision; and 2 then the August 29, '24 minutes, case being 3 0-59 Construction Solutions, LLC. 4 Can I have a motion to 5 approve those minutes? 6 COMMISSIONER KETTER: Motion to approve 7 as presented. 8 COMMISSIONER MURPHY: Second. 9 CHAIRMAN KARTHOLL: Motioned by Mr. 10 Ketter, seconded by Mr. Murphy. 11 Any discussion on the 12 motion? 13 (No response.) 14 CHAIRMAN KARTHOLL: No discussion? All 15 in favor of the motion to approve, please 16 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 Next we have the Pinnacle 24 petition which is 24-02. That's a York</p>	<p style="text-align: right;">Page 5</p> <p>1 Now, we have 0-59 2 Construction, that's the case that we've heard 3 at a couple of hearings. It's Construction 4 Solutions, LLC. That is a variation to reduce 5 the lot size for two lots and a variation to 6 reduce the lot width for two lots. There was a 7 third request for variation that was withdrawn 8 at the hearing, there was a technical matter. 9 I think we should have a motion -- before we 10 substantively vote on the case, we should vote 11 to approve the motion to request withdrawal of 12 the third variation request, just as we did 13 with respect to Mr. Daniel's case. 14 So may I have a motion for 15 that withdrawal? 16 COMMISSIONER MORAN: I make a motion. 17 COMMISSIONER KETTER: Second. 18 CHAIRMAN KARTHOLL: Motioned by Mr. 19 Moran and seconded by Mr. Ketter. 20 Any discussion on the 21 motion? 22 (No response.) 23 COMMISSIONER MORAN: No, but I just want 24 to let you know that I was absent for the</p>

<p style="text-align: right;">Page 6</p> <p>1 continuation last week, but I have looked over 2 everything and I am prepared to make a vote. 3 CHAIRMAN KARTHOLL: Great. This is just 4 on the technical matter of the withdrawal. 5 COMMISSIONER MORAN: Right. I was here 6 for that. In fact, I showed them it. 7 CHAIRMAN KARTHOLL: Okay. 8 All in favor of the motion 9 to accept the withdrawal of that one element of 10 the petitioner's request, please signify by 11 saying aye. 12 (Whereupon, all 13 commissioners responded 14 aye.) 15 CHAIRMAN KARTHOLL: Any opposed? 16 (No response.) 17 CHAIRMAN KARTHOLL: The motion carries. 18 Let's take substantively the 19 remaining request for variation to reduce the 20 lot size for two new lots and variation with 21 respect to the front footage, 165 to 22 approximately 140 for Lots 1 and 2. 23 COMMISSIONER KETTER: Who is Downers 24 Grove?</p>	<p style="text-align: right;">Page 8</p> <p>1 support. Whatever it is, it is. And while 2 it's not appropriate for us to just entirely 3 disregard the opinion of the neighbors, it is 4 not one of the elements that we're to consider 5 as set forth in the Ordinance and the various 6 cases on variation requests that some of the 7 neighbors support it. So the petitioner I 8 think was misguided in relying almost entirely 9 on the support of half a dozen neighbors. And 10 so I also agree that the testimony failed to 11 demonstrate compliance with any of the seven 12 conditions. And the underlying hardship/unique 13 circumstance, as Mr. Ketter testified, was 14 stated to be economic. I agree with that, so 15 that's the basis of my opinion and support for 16 the findings made in this case. 17 Anybody else? 18 (No response.) 19 CHAIRMAN KARTHOLL: Okay, I guess call 20 the roll call vote on the motion to deny, 21 please. 22 MR. HOSS: Mr. Ketter? 23 COMMISSIONER KETTER: Aye. 24 MR. HOSS: Mr. Moran?</p>
<p style="text-align: right;">Page 7</p> <p>1 CHAIRMAN KARTHOLL: That's Zain. 2 COMMISSIONER KETTER: Then I would move 3 to deny. I believe that he's failed to show a 4 hardship or unique circumstance. They failed 5 to prove the elements necessary to get their 6 variances. I would also like to note for the 7 record the petitioner, in spite of being 8 advised that he had an attorney and anything he 9 said would be used, testified that this was 10 really a financial matter, which is not a 11 grounds to grant this. 12 CHAIRMAN KARTHOLL: So we have a motion 13 to deny by Mr. Ketter. 14 COMMISSIONER SCHULTZ: I'll second that. 15 CHAIRMAN KARTHOLL: Seconded by Mr. 16 Schultz. 17 Is there any further 18 discussion on that motion? 19 (No response.) 20 CHAIRMAN KARTHOLL: I would like to add 21 the overwhelming testimony and presentation 22 from the petitioner went to the matter of the 23 support of certain neighbors. I have no idea 24 what the conversation was to solicit that</p>	<p style="text-align: right;">Page 9</p> <p>1 COMMISSIONER MORAN: Aye. 2 MR. HOSS: Mr. Jarog? 3 COMMISSIONER JAROG: Aye. 4 MR. HOSS: Mr. Schultz? 5 COMMISSIONER SCHULTZ: Aye. 6 MR. HOSS: Mr. Murphy? 7 COMMISSIONER MURPHY: Aye. 8 MR. HOSS: Mr. Kartholl? 9 CHAIRMAN KARTHOLL: Aye. 10 The motion passes by a vote 11 of 6 in favor and none opposed and one member 12 being absent. 13 That concludes the number of 14 cases to be heard at the recommendation this 15 evening. 16 There is no old business, no 17 new business, and I note that there's no public 18 comment to be heard; is that correct? 19 MR. HOSS: Connect. 20 CHAIRMAN KARTHOLL: Then we're ready to 21 adjourn, so I'll call the meeting adjourned. 22 Thank you. 23 (Which were all the 24 proceedings had and</p>

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