

BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

Conditional Use for a planned) Z24-049
development with exceptions.) Falcon Point

July 16, 2024

6:00 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. BARRY KETTER, Commissioner.

MR. DENNIS MORAN, Commissioner via Zoom.

MR. JACK MURPHY, Commissioner.

MR. CARL SCHULTZ, Commissioner.

MR. ZAIN RAHMAN, Commissioner.

MS. JANICE ANDERSON, Commissioner.

ALSO PRESENT:

MR. PAUL HOSS, Planning & Zoning.

MS. INFELISE DATZMAN, Planning & Zoning.

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1 conditional use rather than a variation, so can
 2 you explain that point?
 3 MR. MARTINEZ: That I would look to
 4 staff.
 5 CHAIRMAN KARTHOLL: No, no, it's your
 6 case, sir.
 7 MR. MARTINEZ: Okay.
 8 CHAIRMAN KARTHOLL: So you don't know?
 9 MR. MARTINEZ: No, I don't know why it
 10 would be brought that way, no, I do not.
 11 CHAIRMAN KARTHOLL: Okay. Well, go ahead
 12 and proceed.
 13 MR. MARTINEZ: Okay. Let me introduce
 14 myself, I'm Lionel Martinez, I own L. Martinez
 15 Construction, a home building company, and I'm
 16 also a partner in Falcon Point, which is a
 17 development company who has purchased this piece
 18 of property. We are looking to develop it into
 19 nine single-family homes. The objective of this
 20 is to try to create affordable housing in our
 21 community, which is really hard to find. The
 22 price point of these houses is still, I would
 23 say, expensive, but it's more affordable than
 24 some of the surrounding areas.

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1 The things we're asking for
 2 you went over once. We're asking for a lot size
 3 reduction, we are asking for an FAR reduction or
 4 increase allowing more lot coverage, and then
 5 we're asking for a lot width reduction.
 6 As far as kind of how we came
 7 up with these numbers and how we came to this
 8 point, it's very much in keeping with the
 9 neighborhood, so the lot size is the size houses
 10 we're trying to build there are very similar to
 11 the characteristic of the neighborhood.
 12 The surrounding community, the lot sizes are
 13 very similar to the houses that we are
 14 proposing, starting at like 2300 square feet,
 15 2400 square feet, so a pretty modest house.
 16 As we go into -- so kind of
 17 going into the required questions that I need to
 18 answer, are we going to impair light and air to
 19 the adjacent properties? We're not. We're not
 20 doing anything other than single-family
 21 residences, they're going to be two-story homes,
 22 they're going to be in characteristic with the
 23 neighbors, they're not going to impair the
 24 neighborhood in any kind of negative way as far

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1 as light and air.
 2 We're not going to increase
 3 anything from fire or hazard or dangers to the
 4 property. Again, it's just single-family
 5 residences. We're just looking to build some
 6 nice houses similar to what was done to the
 7 south, maybe a little bit more tasteful I'll
 8 say. I don't like to just build quite the same
 9 house, but we'll -- yeah, we'll build a few
 10 different designs and kind of make them look --
 11 fit in the neighborhood well.
 12 We're not going to diminish
 13 the value of the land, point number three. If
 14 anything else, we're going to increase the land
 15 value. Right now it's a single parcel with two
 16 homes on it, one pin and a big barn, which is
 17 interesting. We're going to definitely keep the
 18 value of the neighborhood the same and probably
 19 increase it by bringing some more new
 20 construction in the neighborhood.
 21 Traffic congestion: Again,
 22 it's just single-family residences so we're not
 23 doing industrial/commercial, we're not asking
 24 for some crazy big building where it's going to

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1 have a lot of in-and-out traffic, just
 2 single-family homes that would be there.
 3 Point number five, this is
 4 probably the one most people are interested in
 5 who are here, are we going to increase the
 6 potential for flood damage to the adjacent
 7 properties? We're absolutely not. We're going
 8 to be improving the property significantly. You
 9 see the way it's designed, we have the nine
 10 lots, outlot A is our stormwater management so
 11 we're planning on doing a retention pond, we're
 12 going to take care of all of our water onsite,
 13 we're not going to have any water that sheds off
 14 anywhere to the neighborhood. This retention
 15 pond is going to have controlled release, it
 16 then will release through the storm sewer that
 17 exists. So, as far as the stormwater
 18 management, we're actually dramatically
 19 improving what's there. It's a different system
 20 than what the builder or developer did to the
 21 south. This one will definitely retain all of
 22 our stormwater. The size of the retention pond
 23 is actually going to be quite oversized. It's
 24 big enough from an engineering standpoint to

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1 deal with 100 percent paving of the properties,
 2 so it meets all the requirements if you were to
 3 100 percent pave it, which we can't do, but we
 4 do have quite a bit of protection there for
 5 stormwater management.
 6 Point number 6 was are we
 7 going to incur any public expense for fire
 8 protection, rescue or relief. Again, it's just
 9 single-family residences, we're not doing
 10 anything dramatic, there's no change to what
 11 those services would already be doing in the
 12 community there.
 13 And then are we impairing
 14 public health, safety, comfort, morals, general
 15 welfare of residents of DuPage County. And,
 16 again, no, it's not, we're again just bringing
 17 single-family homes, single-family residences.
 18 Some of the questions we did get, we're also --
 19 I'm the builder, so I will be building them and
 20 the questions about construction come up about,
 21 you know, when are you going to work? Is it
 22 going to be -- are you guys going to make too
 23 much noise, the work hours. Everything we do we
 24 follow the County ordinances, so the rules that

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1 are in place we'll follow. And I always tell
 2 neighbors if there's an issue, please come to me
 3 with any questions or whatnot.
 4 And I think that's about it.
 5 So a little detail on this, we're looking for
 6 lots to be roughly 58 feet wide by 100 -- I
 7 believe it's 135 feet deep. We're planning on
 8 -- we're planning on kind of a storm sewer inlet
 9 system through here that's going to kind catch
 10 our drainage down these side easements, it's
 11 going to collect this water, bring it to our
 12 pond, and our pond will eventually discharge
 13 into the existing storm sewer system and take it
 14 away.
 15 And I think with that I
 16 covered the points and I kind of gave the
 17 overview, so I would ask if there was questions.
 18 CHAIRMAN KARTHOLL: Is that the end of
 19 your presentation?
 20 MR. MARTINEZ: That is.
 21 CHAIRMAN KARTHOLL: Okay. I don't -- so
 22 there's a question with respect to all
 23 conditional uses as to whether the petitioner
 24 suggests that the standards of the Illinois

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1 Supreme Court Living Word case are applicable to
 2 the petitioner's request for the conditional use
 3 and the exceptions. I trust you don't have a
 4 position on that?
 5 MR. MARTINEZ: I don't, I'm sorry.
 6 CHAIRMAN KARTHOLL: Okay. Well, I don't
 7 have any questions. Does anybody on the Board
 8 -- who's township is this?
 9 MR. MARTINEZ: It's in Milton Township.
 10 CHAIRMAN KARTHOLL: Well, let me -- Mr.
 11 Moran, do you have any questions?
 12 COMMISSIONER MORAN: No questions. Did
 13 you hear me?
 14 CHAIRMAN KARTHOLL: Yeah. Dennis,
 15 there's a little dispute as to who you are. The
 16 picture isn't quite clear. This is Mr. Moran,
 17 right, from on the Board?
 18 COMMISSIONER MORAN: Yes.
 19 CHAIRMAN KARTHOLL: Okay. Barry said
 20 it's one of the builders.
 21 So I'll go down the line.
 22 Are there any? Mr. Murphy?
 23 COMMISSIONER MURPHY: No.
 24 CHAIRMAN KARTHOLL: Mr. Ketter?

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1 COMMISSIONER KETTER: No.
 2 CHAIRMAN KARTHOLL: Mr. Schultz?
 3 COMMISSIONER SCHULTZ: No.
 4 CHAIRMAN KARTHOLL: Ms. Anderson?
 5 COMMISSIONER ANDERSON: No.
 6 CHAIRMAN KARTHOLL: And Zain?
 7 COMMISSIONER RAHMAN: No.
 8 CHAIRMAN KARTHOLL: No questions.
 9 I'll take public comment.
 10 You have to be sworn in to make public comment.
 11 Who here would like to make a statement in favor
 12 of or in opposition to this petition, raise your
 13 hands. Two, three, four, five, six people? And
 14 I can't see the lady in the back with the baby,
 15 is your hand up or --
 16 UNIDENTIFIED SPEAKER: No.
 17 CHAIRMAN KARTHOLL: Is the baby's hand
 18 up?
 19 UNIDENTIFIED SPEAKER: Yeah.
 20 CHAIRMAN KARTHOLL: Would you all stand
 21 and be sworn in, please.
 22 (Whereupon, the oath was duly
 23 administered by the Notary.)
 24 CHAIRMAN KARTHOLL: Okay, sir, you could

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1 have a seat. Who would like -- is there anybody
 2 that represents a group, or any attorneys
 3 representing a group? No municipalities or
 4 homeowners associations or anything?
 5 (No response.)
 6 CHAIRMAN KARTHOLL: Okay, well then just
 7 queue up however you'd like. And who wants to
 8 be first? Go right ahead, step up if you would
 9 so you can be heard and recorded.
 10 Okay name, please, spell your
 11 last name, tell us your address, then explain
 12 how close you are to this particular parcel,
 13 then tell us whether you support or oppose, and
 14 then I'll give you your few minutes to make your
 15 statement. So name and address?
 16 MR. MUELLER: Sure. My name is Paul
 17 Mueller, M-u-e-l-l-e-r, I live at 1N124 Farwell
 18 Street, I am directly across from Lot 4 and
 19 beginning of Lot A. My house is right here.
 20 I don't know whether I
 21 support or are against, but I do have a number
 22 of questions that I have at this point. And a
 23 lot of it has to do with this, the outlot and
 24 the pond.

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1 CHAIRMAN KARTHOLL: Here's how we'll do
 2 it: Could you just list your questions and then
 3 we'll have the petitioner answer your questions
 4 and all of the others at the end?
 5 MR. MUELLER: Sure.
 6 CHAIRMAN KARTHOLL: So you'll have to
 7 just take some notes.
 8 MR. MUELLER: Sure.
 9 CHAIRMAN KARTHOLL: My question -- I'm
 10 sorry, these are kind of, as you were discussing
 11 that I was so -- the first one is the HOA, how
 12 is this pond going to be maintained? Is there
 13 an HOA that's going to be attached to this that
 14 is going to maintain this pond, or is it just
 15 going to be built and once all the houses are
 16 sold, it's on its own? That is one question.
 17 The other question was were
 18 these homes going to be on well and septic or
 19 well and sewer? In the neighborhood along both
 20 sides there's a mix of both.
 21 The water coming off of this
 22 lot, this gentleman said it was going to go to
 23 the existing stormwater sewer. There is no
 24 stormwater sewer here, there's a culvert that

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1 runs along both sides -- there's a lot, there's
 2 a culvert here there and there's a culvert on
 3 this side. Where the stormwater collects, it
 4 runs down to another stormwater retention area
 5 before the end, and then a very large stormwater
 6 pond located at the park at the end of this
 7 street. Also it should be noted that this
 8 street is a dead end. There's no traffic going
 9 this way or that.
 10 So those are really my
 11 questions, the HOA maintaining the pond, the
 12 well and septic question, stormwater not in
 13 place now, the culverts, and then who's going to
 14 maintain it.
 15 Also, I have a little bit of
 16 the question of being across the street from
 17 this. I know you're not associated with it, but
 18 down the street there's another something
 19 similar to this that is nothing but weeds that
 20 come up to my face. And there's no one there
 21 maintaining it. The homeowner that lives on the
 22 other side ends up having to take care of it
 23 once the bugs and the weeds are so bad.
 24 So those are the questions

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1 that I have.
 2 CHAIRMAN KARTHOLL: All right. Those are
 3 going to be pretty common questions. I think so
 4 rather than have you answer at the end, are you
 5 prepared, sir, to answer these right now?
 6 MR. VARCHETTO: The only one, the HOA --
 7 [inaudible].
 8 CHAIRMAN KARTHOLL: Thank you, sir.
 9 MR. VARCHETTO: Nick Varchetto, ERA,
 10 engineer on this. Do you want to put that into
 11 the record, the site plan?
 12 CHAIRMAN KARTHOLL: Just --
 13 MR. VARCHETTO: Just so people can see
 14 it.
 15 CHAIRMAN KARTHOLL: Excuse me, sir, you
 16 should talk into the microphone.
 17 MR. VARCHETTO: Just one second. I want
 18 to add something into the record.
 19 CHAIRMAN KARTHOLL: No, you're just
 20 answering questions. You closed your case, now
 21 you're answering questions.
 22 MR. VARCHETTO: Oh, we can't add a site
 23 plan into the record?
 24 CHAIRMAN KARTHOLL: It's already in the

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1 record. I admitted it as Exhibit 2.
 2 MR. VARCHETTO: There's a separate one in
 3 the back that I don't think has been admitted
 4 yet.
 5 CHAIRMAN KARTHOLL: Okay. There's a
 6 separate site plan, you have two site plans?
 7 MR. VARCHETTO: It's just the engineering
 8 plan that I wanted to show how the stormwater is
 9 going to happen. It's not important, I could
 10 talk about it.
 11 CHAIRMAN KARTHOLL: That's fine, you can
 12 enter your exhibit. Is it Exhibit 3?
 13 MR. MARTINEZ: It would be Exhibit 3.
 14 (Whereupon, Petitioner's
 15 Exhibits 3 was marked for
 16 identification.)
 17 CHAIRMAN KARTHOLL: Well, has it been
 18 submitted to anybody?
 19 MR. VARCHETTO: No, we just brought it
 20 because --
 21 CHAIRMAN KARTHOLL: Let's see it. I'm
 22 going to rip through these questions:
 23 Let me guess, you propose to
 24 have a homeowners' association, you haven't yet

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1 developed a homeowners' association covenants
 2 and conditions, once you sell a certain number
 3 of the properties, you will turn the homeowners'
 4 association over to the homeowners; is that
 5 right?
 6 MR. VARCHETTO: Correct.
 7 CHAIRMAN KARTHOLL: That's how that
 8 works.
 9 MR. VARCHETTO: It's a requirement by the
 10 County now.
 11 CHAIRMAN KARTHOLL: In the future after a
 12 certain portion of the properties are sold,
 13 there is -- the oversight homeowners'
 14 association is the group of people that own
 15 homes.
 16 Okay, let's go with the other
 17 questions.
 18 MR. VARCHETTO: Yeah, so the HOA will be
 19 handled and maintained by the HOA.
 20 CHAIRMAN KARTHOLL: That's just what I
 21 said, so go to a different question.
 22 MR. VARCHETTO: Correct, I'm just going
 23 through my list.
 24 The well and septic, we will

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1 be on well. There is sewer on both sides on
 2 Farwell and Morse. The site plan is turned.
 3 UNIDENTIFIED SPEAKER: May I?
 4 CHAIRMAN KARTHOLL: Hold on. When you
 5 speak, you can supplement whatever you want, but
 6 I have to maintain some order here.
 7 MR. VARCHETTO: So all of the homes will
 8 be on water wells, all of the sanitary will be
 9 on sanitary sewers that are already existing.
 10 The existing storm water sewer that we are
 11 connecting to is on Morse Street. There is no
 12 storm sewer on Farwell, it's on Morse and we are
 13 connecting right here on this side of the outlot
 14 A.
 15 CHAIRMAN KARTHOLL: Would you indicate
 16 what direction on the lot that is? Is that
 17 southeast?
 18 MR. VARCHETTO: This is north side.
 19 CHAIRMAN KARTHOLL: That's north? I
 20 can't see your arrow. So it's northeast.
 21 MR. VARCHETTO: Northeast side has
 22 existing sewer that we are tying our storm sewer
 23 management system into.
 24 And then the last one I had

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1 was the weeds. We follow the DuPage County
 2 Stormwater Management Ordinance, and detention
 3 basins are required to be native planted, which
 4 this one will also be native planted. I know
 5 there's some subjectivity on what native
 6 plantings is versus weeds. It will not be
 7 mowed, but it will be -- there's a maintenance
 8 schedule of burnings and different things
 9 throughout the lifetime of it that has to be
 10 maintained and is followed by the HOA.
 11 CHAIRMAN KARTHOLL: Okay. Does that
 12 answer all your questions, sir, or was there
 13 another one?
 14 MR. MUELLER: No, that was it.
 15 CHAIRMAN KARTHOLL: That's it? Okay,
 16 thank you very much.
 17 Would you like to be next?
 18 MS. KADEL: Yes, thank you.
 19 CHAIRMAN KARTHOLL: Go right up.
 20 MS. KADEL: My name is Lynn Kadel.
 21 THE COURT REPORTER: Can you spell that?
 22 MS. KADEL: K-a-d-e-l. I'm a resident at
 23 1N100 Farwell Street, so I will also be directly
 24 across from -- I have not seen this schematic,

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1 across from what they're calling the grassy
 2 knoll, the weeds area. The first question I
 3 have is based on what the engineer stated. He
 4 had stated that that area is going to be a pond?
 5 Is it a pond or is it a retention or -- I'm
 6 sorry, I just forgot my word. Retention area,
 7 is it, or --
 8 CHAIRMAN KARTHOLL: Is it wet or dry?
 9 MS. KADEL: No, no.
 10 CHAIRMAN KARTHOLL: It's a retention area
 11 that is effectively a pond.
 12 MS. KADEL: That's the same thing as a
 13 pond?
 14 CHAIRMAN KARTHOLL: It depends if it's
 15 wet or dry, and I don't know the answer to that.
 16 MS. KADEL: That's okay. So that was one
 17 of my questions.
 18 My point to raise tonight is
 19 that I am -- I have no problem with the
 20 development of this land whatsoever. My
 21 question has to do with that outlet and/or
 22 outlot and what's going to be done with it. I'm
 23 on Farwell Street obviously, so in front of me
 24 will be a lot and it looks like a lot and

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1 five-sixths of a second lot-ish. But I don't
 2 have -- my question is, is that on the other
 3 side of this outlot is two houses; one, two. On
 4 the side of the second house is another outlet
 5 area.
 6 CHAIRMAN KARTHOLL: Can I ask what you
 7 mean by outlot?
 8 MS. KADEL: Well, they're calling this
 9 area that's going to be grassy on --
 10 CHAIRMAN KARTHOLL: Is it on the site
 11 plan on there?
 12 MR. VARCHETTO: She's pointing to the
 13 detention basin.
 14 CHAIRMAN KARTHOLL: You're talking about
 15 the detention basin again?
 16 MS. KADEL: Yes, it was listed on this
 17 letter as an outlet [sic] so --
 18 CHAIRMAN KARTHOLL: What's your question?
 19 MS. KADEL: My question is why would we
 20 build an outlet in the middle of a neighborhood
 21 that has another outlet two houses down, and
 22 then what one more house and then a 10.4 acre
 23 park with a massive retention pond.
 24 CHAIRMAN KARTHOLL: I'm sure I can answer

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1 for you.
 2 MS. KADEL: Oh, please.
 3 CHAIRMAN KARTHOLL: It's a requirement of
 4 the Stormwater Department of the County. It's
 5 regulatory.
 6 MS. KADEL: So the current setup on our
 7 street is not sufficient to support these
 8 houses?
 9 CHAIRMAN KARTHOLL: I don't know if it's
 10 sufficient. I know that when you're developing
 11 two acres like this is being developed, you have
 12 to have on-site retention/detention. That's a
 13 requirement of the County. Well, there's ways
 14 around it, but it's a requirement of the County.
 15 MS. KADEL: Again, not being well versed
 16 on County requirements such that is my concern
 17 and somewhat objection is that this is breaking
 18 up a neighborhood into very distinct parts with
 19 multiple weedy growth areas and a very, very
 20 large retention pond.
 21 My other question is that I
 22 don't have any -- this wasn't supplied to us as
 23 residents, but when we talk about an HO -- a
 24 homeowners' association, the entire -- what was

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1 it called? The entire area of Gary Avenue
 2 Gardens absolutely does not have homeowners
 3 associations, neither does the development down
 4 on the other side of this street, so these
 5 sides, and I do not want to be sucked up into an
 6 HOA, and I don't see any reason or need for an
 7 HOA.
 8 CHAIRMAN KARTHOLL: That's a very common
 9 development thing. I don't want to go into, you
 10 know, sort of the basics.
 11 MS. KADEL: Is this not the correct Board
 12 to talk about this?
 13 CHAIRMAN KARTHOLL: No, that question is
 14 sort of -- it's general real estate information.
 15 This homeowners' association does not affect any
 16 homes that is not part of this development, so
 17 that's what this homeowners' association is,
 18 these lots. That's it.
 19 MS. KADEL: So we aren't able to have any
 20 influence on that?
 21 CHAIRMAN KARTHOLL: No, no.
 22 MS. KADEL: Okay. Okay.
 23 CHAIRMAN KARTHOLL: Nor are you bound by
 24 any of the covenants that may be adopted by the

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1 homeowners' association.

2 MS. KADEL: Okay, okay. Then my last

3 question is, sir, you mentioned about there will

4 be wells. Now you didn't specify is each house

5 going to have their own individual well or are

6 you building an area well for the seven houses?

7 UNIDENTIFIED SPEAKER: Nine.

8 MS. KADEL: Nine houses, I'm sorry.

9 Thank you.

10 And that concludes my

11 questions. Thank you.

12 CHAIRMAN KARTHOLL: Thank you very much.

13 Go ahead and answer, individual wells or common.

14 MR. VARCHETTO: The first question she

15 had was is it going to be a wet or a dry pond?

16 It will be a dry pond. In main rainstorms, it

17 will fill up and then it has to release in

18 between 48 and 96 hours, which is like two to

19 four days.

20 The pond and HOA we already

21 talked about.

22 Individual wells, each house

23 will have an individual well just like each of

24 these houses to the south have an individual

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1 well.

2 CHAIRMAN KARTHOLL: Okay, thank you. Now

3 let's go -- you were the only other person in

4 the front row; right? You guys weren't sworn

5 in? Then if you go, then that would be great.

6 MR. CARUSO: My name is Joe Caruso,

7 C-a-r-u-s-o, I own the house, my son and family

8 rent from me. We are mainly concerned about the

9 detention pond. We had the house right north of

10 it. You pretty much answered most of the

11 questions already. Is there going to be any

12 fencing around this retention pond, any fencing?

13 That's the only question I have.

14 CHAIRMAN KARTHOLL: Okay, tell us your

15 address and --

16 MR. CARUSO: 1N111 Farwell.

17 CHAIRMAN KARTHOLL: Okay, thank you, sir.

18 It's not fenced, is it?

19 MR. MARTINEZ: We haven't talked about

20 it, to be honest.

21 CHAIRMAN KARTHOLL: Not yet decided?

22 That's the kind of thing that's usually worked

23 out with the Stormwater Department. I'm not

24 even sure fencing is allowed, just yes or no.

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1 MR. HOSS: Because this is not a wet

2 bottom, fencing would not be required and likely

3 not allowed.

4 CHAIRMAN KARTHOLL: Okay, thank you. Now

5 to the next row? I'm skipping over this lady on

6 the end and then this lady was sworn in.

7 MS. JONES: My name is Judy Jones at

8 1N055 Morse Street, I've lived in that house 52

9 years with my family. So, what I'm thinking and

10 because of my age and the equipment I use to see

11 the plat better, I couldn't tell whether these

12 new houses are set back more to the west or

13 brought up to the east than the five houses that

14 are existing on Morse Street to the south of

15 this development.

16 So, it's just a question I

17 have. Does that bring these larger homes closer

18 to the street, because don't you measure by the

19 center of the street and then out with the

20 County having, what is it, 15 feet or 30 feet of

21 easement and then the front of the new house?

22 CHAIRMAN KARTHOLL: Well, he didn't -- I

23 think let's let him go over that at the end. I

24 want to get the rest of the questions because

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1 that wasn't addressed at all. So he'll answer

2 that in a few minutes.

3 MS. JONES: Also, secondary, I was

4 wondering how many feet would be between the two

5 houses, or each house. That's my last question.

6 CHAIRMAN KARTHOLL: Okay, thank you very

7 much. You were next, sir.

8 MR. COX: Hello, Connor Cox, C-o-x, I

9 live at 1N050 Morse. I'm in the less tasteful

10 houses just to the south there.

11 My largest concern is water.

12 I know you addressed that a little bit. When

13 they finished Morse Point just to the south,

14 there was some very heavy draining that was put

15 in to ensure no water traveled north. So now my

16 lot slants pretty drastically on that north edge

17 to allow water to travel south off of this

18 property right now. So in heavy rainstorms like

19 the last two nights we see water building up

20 relatively high on that edge getting relatively

21 close to flooding into our window wells, because

22 that's right on that edge. So I'm very

23 concerned with the grading and how that looks to

24 ensure that water doesn't travel that direction.

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1 That's my largest one.
 2 We did just get new roads on
 3 both Farwell and Morse, which is probably kind
 4 of unfortunate timing. I would like some sort
 5 of confirmation that anything that gets torn up
 6 there, we get that fixed.
 7 The standback from the street
 8 that Ms. Jones noted is also a concern for me.
 9 We've obviously got a beautiful setback next to
 10 us, we don't hardly see that house. I know we
 11 won't be able to meet that, but ideally not
 12 something sticking out much further.
 13 The variance for the 0.45 FAR
 14 I'm also concerned with. Once again, tied to
 15 the water.
 16 Offset from the side, it
 17 would be what's driving the distance off my
 18 house. I'd like to confirm that we can keep
 19 that in line at least with what we have on the
 20 other side.
 21 The, I believe, last one is
 22 the -- yeah, the -- my new wells, really there's
 23 two there existing already, so seven additional
 24 wells, I want to make sure that doesn't result

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1 in diminishing the water volume or quality for
 2 us right nextdoor, because I know how expensive
 3 it is to dig that well deeper.
 4 CHAIRMAN KARTHOLL: Okay, thank you, sir.
 5 And the last speaker, Mr. Cox, do you want to
 6 indicate you support or oppose or whether you
 7 just want your questions answered?
 8 MR. COX: I support the development. I'm
 9 not entirely sure I support it exactly as
 10 proposed, but I'm excited to see some new life
 11 coming in there.
 12 CHAIRMAN KARTHOLL: Okay, thank you.
 13 MS. MIR: Hello, my name is Jabiria
 14 [phonetic] Mir, M-i-r, I live on 1N040 Farwell
 15 Street, and I live close to lot No. 1.
 16 So, I am opposed to this plan
 17 that is presented tonight with a lot that had
 18 two houses now being turned into nine
 19 single-family houses. As of right now, most of
 20 the houses have well water, and like the
 21 previous resident said, it is very expensive to
 22 dig the access to the water a lot deeper. You
 23 know, an area that had two houses, two families,
 24 now turning into nine families, and I think we

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1 are -- the builders are not prepared to evaluate
 2 the increased water usage on the street and
 3 stress the water tables that are available.
 4 Farwell Street is a dead end
 5 street. As of right now there are two special
 6 needs buses that frequent that street and they
 7 have to turn at the end of the street. With
 8 construction that's going to happen, if that
 9 street is blocked there is going to be huge
 10 problems for the families that utilize those
 11 special needs services with District 200.
 12 The other problem is with
 13 these increased, like, let's say for example on
 14 Farwell there's going to be four new lots with
 15 driveways, that will be decreased street parking
 16 on that street, too.
 17 And also, my house is about
 18 1400 square feet, the new houses are going to be
 19 2,500 square feet. The gentleman said that the
 20 housing is affordable, around \$700,000.00. My
 21 house is valued at around \$400,000.00. It does
 22 not match the lot size that is available on
 23 Farwell Street. I'm about 0.25 acres of land
 24 that I have and my house is valued at

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1 \$400,000.00. So, \$700,000.00 and calling that
 2 affordable housing does not match the
 3 socioeconomic status that is available right now
 4 for the houses on Farwell street.
 5 So, those are my comments,
 6 thank you so much.
 7 CHAIRMAN KARTHOLL: Okay, thank you.
 8 Do you want to answer any
 9 outstanding questions and then just one speaker
 10 -- well, if you need two people to answer
 11 questions, fine, and then I'll give you a few
 12 minutes for a summary closing statement.
 13 MR. MARTINEZ: I think I can probably
 14 answer these. Thanks for all your questions.
 15 So I think half of them were answered already,
 16 so I'm going to start with Mrs. Jones, you had
 17 setback questions. So for the front yard
 18 setback, we're following the R-4 zoning which is
 19 30 feet, and for the side yard setbacks we're
 20 going to follow the zoning as well, which is 10
 21 percent of the lot width, so it's roughly six
 22 feet minimum. The houses that I've designed and
 23 are proposing is actually a much larger setback
 24 than that. But the required -- at most it will

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1 be the required setback, which matches the
 2 development to the south.
 3 CHAIRMAN KARTHOLL: You don't have
 4 footprints established for each of these lots?
 5 MR. MARTINEZ: No. I'm a build-to-suit,
 6 so I have -- we're going to build a model --
 7 CHAIRMAN KARTHOLL: Hold on, let me
 8 finish my questions.
 9 MR. MARTINEZ: Okay.
 10 CHAIRMAN KARTHOLL: You don't have the
 11 precise footprint for each one of your sub
 12 parcels, but you will comply with whatever the
 13 setbacks are?
 14 MR. MARTINEZ: Correct, right.
 15 CHAIRMAN KARTHOLL: Thanks.
 16 MR. MARTINEZ: That's front yard, side
 17 yard setback.
 18 And then the next questions
 19 were from Mr. Cox. I'm sorry, I didn't mean to
 20 insult you, what I mean is I'm not a developer
 21 that builds a bunch of houses, I build to suit
 22 more so that's bad wording on my part.
 23 As far as flooding, you know,
 24 I don't know how your little development was

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1 designed. You can speak better to that.
 2 MR. VARCHETTO: I can speak a little bit.
 3 The development to the south actually has the
 4 stormwater management placed within the back
 5 yards. This development was pre-2013, new
 6 ordinance. The new ordinance stormwater does
 7 not allow us to do that. That is why we have an
 8 outlot now.
 9 So, the development to the
 10 south the reason the water is coming up in your
 11 back yard during heavy rainstorms, it's actually
 12 designed that way. And no further water will go
 13 onto your property. If there's any water
 14 draining to your property now, all of the water
 15 from our property is going to be forced to go to
 16 the outlot.
 17 MR. COX: Can I add something to that or
 18 no, because it wasn't completely accurate on how
 19 ours is built. You weren't completely accurate.
 20 That was not completely on how ours was done.
 21 CHAIRMAN KARTHOLL: Let me have him
 22 finish. I'm not supposed to go back to you, but
 23 I want to flush out the facts as best I can. So
 24 are you done, sir? Did you finish your answer?

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1 MR. VARCHETTO: Yes.
 2 CHAIRMAN KARTHOLL: Then, Mr. Cox, can
 3 you speak from there but speak loudly enough to
 4 be picked up by the reporter?
 5 MR. COX: Sure. While the vast majority
 6 of the water does flow into that detention area
 7 in the middle of our yard, my yard was created
 8 so that the water from my yard -- if it flows to
 9 the south end it will go there, if it flows to
 10 the north end it comes out to the inlet that is
 11 right next to the street right on the edge of
 12 your property there.
 13 CHAIRMAN KARTHOLL: So I don't want to
 14 have a dialogue about this, but can I suggest to
 15 you that if this -- if you learn that this
 16 project goes forward and it is ultimately
 17 favorably approved, I would suggest that you
 18 communicate with the Stormwater Department as
 19 they go through their analysis. I don't know if
 20 it's been to the Stormwater Department, I don't
 21 have any comments from the Stormwater
 22 Department, they just say additional information
 23 is required. So if you communicate what you're
 24 trying to tell us to the Stormwater Department,

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1 I would hope that they would take your
 2 circumstances into consideration.
 3 MR. COX: So at that point any there
 4 further approvals required at that point?
 5 That's my concern is we move forward, these guys
 6 invest a lot of money and then there's issues.
 7 CHAIRMAN KARTHOLL: Right, yeah, I
 8 understand. Well, I'll try to explain the
 9 process here. We're going to undertake an
 10 evaluation of this case, render our
 11 determination, that will go to the County
 12 Development Committee, then it goes to the full
 13 County Board. All that does is conceptually
 14 approve or deny the request that's before us, it
 15 has nothing to with stormwater requirements,
 16 building codes, or all of those things. So, you
 17 know, this is kind of like a fishing license to
 18 sort of, you know, rent your boat and go to the
 19 lake, but this is far from being fully resolved.
 20 MR. COX: Okay, so the document here is
 21 what we're approving which says a five foot
 22 offset on the side and a point 0.45 FAR, which
 23 is different than I think what was mentioned
 24 here?

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1 MR. MARTINEZ: That's the drainage
 2 easement, the five, the five foot.
 3 MR. VARCHETTO: Yeah. Okay, just one
 4 thing to add to stormwater. Per what I have to
 5 sign as a professional engineer, what the
 6 Stormwater Ordinance requires, we are not
 7 allowed to affect downstream or upstream
 8 receptors, which you would be, negatively to
 9 develop this project.
 10 CHAIRMAN KARTHOLL: Okay. While you're
 11 up there, this is like a dialogue instead of a
 12 hearing, you offered Exhibit 3. I don't know
 13 where it is, you didn't present it. Do you have
 14 -- have you submitted Exhibit 3 to somebody?
 15 MR. VARCHETTO: I submitted it as I was
 16 standing here.
 17 CHAIRMAN KARTHOLL: Where is it?
 18 MR. VARCHETTO: Right here.
 19 CHAIRMAN KARTHOLL: Okay. Do we get to
 20 look at it since it's an exhibit?
 21 MR. VARCHETTO: I can bring it over to
 22 you.
 23 CHAIRMAN KARTHOLL: Is that Exhibit 3
 24 right here?

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1 MR. VARCHETTO: That's --
 2 CHAIRMAN KARTHOLL: That's not Exhibit 2?
 3 MR. VARCHETTO: Nope. This is the
 4 engineering document.
 5 CHAIRMAN KARTHOLL: Then mark it, put
 6 Exhibit 3.
 7 MR. VARCHETTO: And I apologize, my
 8 experience --
 9 CHAIRMAN KARTHOLL: Stop. Just put
 10 Exhibit 3 on there and then we'll take it from
 11 you.
 12 All right, closing statement?
 13 MR. MARTINEZ: Do you want me to answer
 14 the last couple questions? There was a couple
 15 more.
 16 CHAIRMAN KARTHOLL: I lost track of
 17 those.
 18 MR. MARTINEZ: The new roads, it's
 19 unfortunate for me that the new roads went in
 20 now rather than later because Milton Township
 21 owns the roads, they're very strict on the
 22 rules, so any damage that I do to the roads you
 23 can be sure they're going to be repaired and
 24 fixed.

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1 And then there was a concern
 2 on blocking Farwell Street during construction.
 3 So the process to actually block a street is
 4 very difficult. It falls into the Building
 5 Department, but we don't block streets.
 6 Oh, the wells. So the well
 7 concern, I mean the well company I've already
 8 spoken to is the same company that did all the
 9 current wells on the properties to the south.
 10
 11 MR. COX: There were three different
 12 companies.
 13 MR. MARTINEZ: Oh, there was three? He
 14 told me he did them all.
 15 CHAIRMAN KARTHOLL: Mr. Cox, I can't keep
 16 going back and forth.
 17 MR. MARTINEZ: So that's very regulated
 18 as well, they're not allowed to steal your water
 19 and impact you negatively. That's a very
 20 regulated inspected thing by the State of
 21 Illinois, state-regulated thing, so you should
 22 be -- you will be fine with your existing wells.
 23 So then closing comments, we
 24 hear your comments, I heard some concerns, and

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1 I'll just tell you as a -- I am a resident of
 2 Wheaton, I was a long-time resident of Wheaton,
 3 I'm a resident of DuPage County, I take your
 4 concerns very seriously. I want to be a good
 5 neighbor as I move in and build in your
 6 neighborhood. And I want you guys to know you
 7 can reach out any time with any comments,
 8 concerns, complaints if guys are not doing
 9 things, but I try to be as courteous as I can,
 10 hear your questions. And, please, anyone want
 11 to talk to me after I can give you my business
 12 card, you can reach out and we can discuss more
 13 stuff.
 14 For the Board, just hopefully
 15 we were able to address any concerns or
 16 questions you guys had, and we'd like to see
 17 this move forward and get started on some houses
 18 there.
 19 CHAIRMAN KARTHOLL: Are you a contract
 20 purchaser or have you closed on your purchase?
 21 MR. MARTINEZ: Officially I'd rather not
 22 say, but I've closed, I own it.
 23 CHAIRMAN KARTHOLL: Okay. Well, I only
 24 need to know that for reasons of trying to

1 expedite.

2 MR. MARTINEZ: No, because of the
3 environment with real estate, I didn't have a
4 choice.

5 CHAIRMAN KARTHOLL: Okay.

6 So, we'll close the hearing
7 and consider the matter at our -- well, I think
8 we can get it on our August recommendation
9 meeting. I forgot the date of that, August 1.
10 Okay, August 1 at 5:30 in Room 3500-B. We'll
11 consider this case and whatever other cases come
12 before us. That's a deliberation and vote by
13 this Board, no further input from the public or
14 the petitioner. So that closes this hearing.

15 The next item on the agenda
16 is old business and new business. I believe
17 there is no old business or new business, so
18 we're ready to adjourn and I will close the
19 meeting for this evening.

20 Thank you very much, everyone.

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

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 and
14 place hereinabove set forth.

15
16
17

18 *Linda M. Ciosek*

19 CERTIFIED SHORTHAND REPORTER

20
21
22 My Commission Expires:
23 July 26, 2026.
24

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