

BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

Text Amendments) T-5-25

September 10, 2025

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. DENNIS MORAN, Commissioner

MR. JACK MURPHY, Commissioner.

MR. CARL SCHULTZ, Commissioner

MR. JAMES JAROG, Commissioner v.

MR. ZAIN RAHMAN, Commissioner, via

Zoom.

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<p>1 ALSO PRESENT:</p> <p>2 MR. PAUL HOSS, Zoning Administration</p> <p>3 Coordinator.</p> <p>4 MS. ASHLYN KIRBY, Zoning Department.</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>		
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<p>1 EXHIBITS</p> <p>2</p> <p>3 Page No.</p> <p>4 Petitioner's Exhibit A 8</p> <p>5 Petitioner's Group Exhibit B 8</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 motion to permit them to attend by Zoom.</p> <p>2 COMMISSIONER MORAN: I make a motion to</p> <p>3 accept Zain and Jim by Zoom.</p> <p>4 COMMISSIONER SCHULTZ: Second.</p> <p>5 CHAIRMAN KARTHOLL: Motion by Mr.</p> <p>6 Moran and seconded by Mr. Schultz. Any</p> <p>7 discussion on the motion?</p> <p>8 (No response.)</p> <p>9 CHAIRMAN KARTHOLL: All in favor of the</p> <p>10 motion, please signify by saying aye.</p> <p>11 (Whereupon, all</p> <p>12 Commissioners responded</p> <p>13 aye.)</p> <p>14 CHAIRMAN KARTHOLL: Any opposed?</p> <p>15 (No response.)</p> <p>16 CHAIRMAN KARTHOLL: The motion is</p> <p>17 granted.</p> <p>18 I understand we also have</p> <p>19 -- do we have a representative from Burr</p> <p>20 Ridge?</p> <p>21 MS. STERN: Hi, yes, I'm Ella, the</p> <p>22 village planner.</p> <p>23 CHAIRMAN KARTHOLL: Okay, great.</p> <p>24 There are no minutes to</p>	

2 (Pages 2 - 5)

<p>1 approve and we have one item of public hearing 2 to consider this evening and that is Petition 3 T-5-25, it's a text amendment. It is a 4 request to consider a proposed text amendment 5 to T-5-25 to the DuPage County Zoning Board of 6 Appeals -- I'm sorry, County Zoning Ordinance, 7 relative to the short-term rentals of a 8 residential dwelling unit to align the Zoning 9 Ordinance with the current initiative for 10 housing solutions and to amend lot 11 requirements, minimum size and width, in the 12 R-3 and R-4 Residential Zoning Districts.</p> <p>13 The matter was published in 14 the Daily Herald on Tuesday, August 26th. 15 It's Daily Herald, right?</p> <p>16 MR. HOSS: Correct.</p> <p>17 CHAIRMAN KARTHOLL: Okay, thank you.</p> <p>18 And I have no comments from 19 any of the authorities to whom we have 20 circulated the petition, but Burr Ridge has 21 requested that we permit Burr Ridge time to 22 comment substantively, and that has been made 23 by means of a letter to the -- I guess it's to 24 our zoning staff. And we have a</p>	Page 6	<p>1 subdivisions where lots are served with septic 2 and well but are on properties that are less 3 than 20,000 square feet. And that's important 4 to one of the proposed text amendments.</p> <p>5 CHAIRMAN KARTHOLL: Okay. We'll accept 6 those exhibits. And it's a group exhibit, but 7 should we mark it Group Exhibit 2?</p> <p>8 MR. HOSS: You can do B because we've 9 got Exhibit A.</p> <p>10 CHAIRMAN KARTHOLL: You're not familiar 11 with our procedures, but we customarily use 12 numbers instead of letters.</p> <p>13 MR. HOSS: Thank you, sir. Duly noted.</p> <p>14 (Whereupon, Petitioner's 15 Exhibits A and Group B were 16 marked and admitted into 17 the record.)</p> <p>18 CHAIRMAN KARTHOLL: Fire away.</p> <p>19 MR. HOSS: So we're before you again 20 tonight relative to the DuPage County Ad Hoc 21 Housing Solutions and County Board's 22 initiative relative to trying to scale up more 23 opportunities for rental dwelling units and 24 also for ownership dwelling units. This is an</p>	Page 8
<p>1 representative from Burr Ridge who might 2 comment further.</p> <p>3 May I call upon Mr. Hoss to 4 present the text amendment.</p> <p>5 (Whereupon, the oath was 6 duly administered by the 7 Notary.)</p> <p>8 CHAIRMAN KARTHOLL: I haven't 9 introduced the exhibits, so I'll let you do 10 that.</p> <p>11 MR. HOSS: My name is Paul Hoss, 12 H-o-s-s. I'm the Planning and Zoning 13 Administration Coordinator with DuPage County.</p> <p>14 I want to tender Exhibit 1 15 -- I'm sorry, Exhibit A, which are the 16 proposed text amendments. You have them in 17 your flyer, but it's only the text amendments 18 as our exhibit.</p> <p>19 In addition, I want to 20 tender a group exhibit that represents some 21 research that we have done relative to the -- 22 one of the items of the text amendments, it is 23 a County-wide data set for two subdivisions in 24 each of the townships that represent existing</p>	Page 7	<p>1 initiative that the County Board share or the 2 County Board have put into play to try and 3 develop opportunities for land to be made 4 available for developers to build new units or 5 for property owners to be able to have more 6 rental units within their homes.</p> <p>7 We bring to you tonight two 8 proposals relative to that initiative. The 9 first one has to do with allowing properties 10 that are in what are called our urban zoning 11 districts. We have three single -- four 12 single-family residential zoning districts, 13 R-1, 2, 3 and 4. The R-1 and the R-2 Zoning 14 Districts are considered rural zoning 15 districts, irrespective of the type of 16 utilities you have in the R-1 and R-2 Zoning 17 districts. Our Zoning Ordinance requires that 18 the land be in R-1 100,000 square feet in size 19 and in R-2 40,000 square feet in size. So, 20 once again, whether you're on septic and well 21 or sewer and water or any combination thereof, 22 you still have to meet those 100,000 and 23 40,000 square foot lot requirements. That is 24 more dealing with the land relative to or as</p>	Page 9

<p>1 opposed to sort of the utility issues. 2 In the R-3 and R-4 Zoning 3 Districts, our Zoning Ordinance requires that 4 -- right now requires that if you are on 5 septic and well, the minimum lot size has to 6 be 40,000 square feet. If you are on sewer 7 and well 20,000 square feet. In the R-3 8 Zoning District, if you're on public sewer and 9 water, lots have to be on 15,000 square feet. 10 And in the R-4 on sewer and water, 10,000 11 square feet. 12 So the idea here is that in 13 R-3 and R-4 Zoning Districts, those are more 14 urban zoning districts, they're more dense. 15 Most of our subdivisions that are in the R-3 16 and R-4 Zoning Districts were platted back in 17 the 1920's, and so many of the lots in those 18 Zoning Districts are already well below 40,000 19 square feet and well below 20,000 square feet. 20 In Exhibit B, parenthetical 21 2, we have shown two subdivisions in each of 22 the townships in the County that are 23 representative of typical single-family 24 residential subdivisions where septic and well</p>	<p>Page 10 1 believe, is consistent with generally the 2 development that already exists in R-3 and R-4 3 Zoning Districts. And also we have had 4 conversations with the County Health 5 Department, and you'll note in your flyer 6 sheet they have no concerns with the text 7 amendments and the Health Department has 8 indicated that there is no minimum lot size in 9 order to accommodate septic and well. That's 10 how many of the lots that were platted back in 11 the 1920s are able to be developed on septic 12 and well, they just have to make it work. 13 So, we are proposing this 14 change that would allow for, once again, lots 15 in R-3 and R-4 zone districts to be on 20,000 16 square feet on septic and well as opposed to 17 40,000 square feet, and then also reducing the 18 minimum lot width from 125 down to 100 feet. 19 That would allow for more lots to be 20 developed, new lots to be built on, and based 21 on our research we found that that won't have 22 a detrimental impact to neighborhoods that are 23 already zoned R-3 and R-4 because the majority 24 of lots in those neighborhoods are already</p>
<p>1 are serving the properties where those lots on 2 average range anywhere from 7,000 to 9,000 3 square feet, well below the 40,000 square foot 4 lot size requirement that's required for a new 5 lot of record. 6 So, for instance, if 7 someone were to come in and take a raw piece 8 of property, maybe a five-acre tract of land, 9 which there aren't a lot out there and wanted 10 to subdivide it into smaller lots on septic 11 and well, they would have to meet the current 12 code of 40,000 square feet. But, however, 13 you'll see in Exhibit B that we have many 14 subdivisions in the unincorporated area that 15 are already developed with lots that are less 16 than 40,000, and in most instances less than 17 20,000 on septic and well. 18 We are proposing to allow 19 as of right and change the Ordinance that any 20 lot that is on septic and well in an R-3 and 21 R-4 Zoning District now be on 20,000 square 22 foot lots as opposed to 40,000 square foot 23 lots, and the lot width be instead of 125 feet 24 wide be 100 hundred feet wide. That, we</p>	<p>Page 11 1 well below the 40,000 square foot lot size, 2 and in many instances well below the 20,000 3 square foot that we're proposing for new lots. 4 CHAIRMAN KARTHOLL: Is there anything 5 in here that discusses the type of septic 6 system that would be required to be used? 7 MR. HOSS: There is not. Having said 8 that, when the County -- this County Code has 9 been in place at least since 1985 when the 10 County did a master overhaul of its Zoning 11 Ordinance. And we looked in our Zoning Code 12 and this particular code actually dates back 13 to the 1960s. In the 1960s and 1985 the 14 County really only had a conventional septic 15 where you had a septic tank that leached out 16 into a leach field. And then prior to 1985 17 we've actually had to have an expansion -- you 18 had to have the ability to have an expansion 19 field on your property. The Health Department 20 doesn't require that anymore because there are 21 new types of septic systems that if you can't 22 do a conventional septic system with a leach 23 field, there are other types of systems that 24 you can use such as bio barrier or an aerobic</p>

<p>1 mechanical system that doesn't require a leach 2 field. Having said that, the Health 3 Department has indicated that you can still 4 build a conventional septic system on a 20,000 5 square foot lot, you can do it on a 9,000 6 square foot lot, but if practically you can't 7 do a conventional system there are other 8 systems that you can put on that don't require 9 a leach field. It might cost a little bit 10 more money, but that would be the property 11 owner's decision to go to a different type of 12 septic system, which they could do.</p> <p>13 CHAIRMAN KARTHOLL: So, in other words, 14 we don't have to require that in the Ordinance 15 because it is a matter to be resolved by the 16 Public Works Department and the Building 17 Department?</p> <p>18 MR. HOSS: By the Health Department.</p> <p>19 CHAIRMAN KARTHOLL: The Health 20 Department.</p> <p>21 MR. HOSS: In a similar manner, if we 22 went to a 20,000 square foot lot, if you had 23 -- just as an example if you had a 40,000 24 square foot lot you would have a floor area</p>	<p>Page 14</p>	<p>1 CHAIRMAN KARTHOLL: And, Miss Stern, I 2 want to provide -- I'm going to leave the 3 record open in this case in order to 4 accommodate the request from your village. Do 5 you have any comments now, or you can make 6 comments in writing later?</p> <p>7 MS. STERN: Yeah, I have no comment. 8 I'm just here to listen in and provide details 9 about the conversation back to Burr Ridge.</p> <p>10 CHAIRMAN KARTHOLL: Okay. If we 11 consider this matter at our October 12 recommendation meeting, ordinarily we require 13 additional comments to be submitted a week or 14 two prior to the date of that meeting. Do you 15 have a time deadline that meets that schedule, 16 or can we consider this --</p> <p>17 MS. STERN: Yeah, we have a plan 18 commission meeting September 15th and this 19 item is on the agenda, so then I could provide 20 you back with our comments of concern or 21 non-concern by Tuesday or Wednesday of next 22 week.</p> <p>23 CHAIRMAN KARTHOLL: Okay. Well, we'll 24 let the record open for your comments and I</p>
<p>1 ratio of 0.3 and that means you could build a 2 12,000 square foot house on your property. If 3 you had a 20,000 square foot lot, the floor 4 area ratio is still 0.3, so that would be a 5 6,000 square foot house. So, if you wanted to 6 build a larger house on the property, you 7 would have to come in and ask for a variation 8 to go to a larger house. In a similar manner, 9 for any Building Codes, Health Department 10 Codes you might not be able to do the things 11 that you want to do on that property because 12 it doesn't meet all of the other sort of brick 13 and mortar codes.</p> <p>14 CHAIRMAN KARTHOLL: That makes sense 15 and ties in.</p> <p>16 All right, does anyone else 17 have any questions? We can debate this 18 further when we consider the matter, but does 19 anyone have any immediate questions?</p> <p>20 (No response.)</p> <p>21 CHAIRMAN KARTHOLL: And to the members 22 online, any questions, Jim or Zain?</p> <p>23 COMMISSIONER JAROG: No.</p> <p>24 COMMISSIONER RAHMAN: No questions.</p>	<p>Page 15</p>	<p>1 guess we have to say for any comments until 2 one week before our recommendation meeting 3 which is October 2. That will occur at 5:30 4 p.m. in this room. I don't know the exact 5 date, but you can all do the math. So, if you 6 could do that by that time, I hope that meets 7 with your requirements.</p> <p>8 MS. STERN: Perfect, thank you.</p> <p>9 CHAIRMAN KARTHOLL: If there's nothing 10 else, I'll indicate --</p> <p>11 MR. HOSS: I have more.</p> <p>12 CHAIRMAN KARTHOLL: Oh, you have more?</p> <p>13 MR. HOSS: I do, yeah. Yeah, I'm not 14 done, I'm sorry. That was just one part of 15 the text amendments.</p> <p>16 CHAIRMAN KARTHOLL: Why am I asking for 17 comments?</p> <p>18 MR. HOSS: I apologize.</p> <p>19 So, the second text 20 amendment I'm going to one really quick, it's 21 just a quick clean-up measure. In the chart 22 that I have given you there has been a 23 historic error in our single-family detached 24 dwelling units that are served with public</p>

<p style="text-align: right;">Page 18</p> <p>1 sewer and water. It says septic and water, it 2 should be sewer and water so we're just 3 changing it from septic to sewer. That's just 4 a clean-up.</p> <p>5 But really the big ticket 6 before you tonight is we, as part of our 7 Housing Solutions Program, we are proposing to 8 regulate short-term rentals. Those would be 9 Airbnbs and VRB and O's. The reason we've 10 taken the opportunity to do it at this point 11 is the County does not have a specific 12 regulation on short-term rentals and Airbnbs 13 and there's some litigation occurring with 14 another community in DuPage County that's in 15 Federal Court alleging that there's a 16 violation of Fourth and Fifth Amendment Rights 17 of a property owner, which is essentially a 18 concern about the government taking someone's 19 ability to use their property without just 20 compensation. So, we felt this was a good 21 opportunity for us to sort of get our house in 22 order and either regulate Airbnbs or short- 23 term rentals and prohibit them or allow them. 24 We've chosen in this proposed text amendment</p>	<p style="text-align: right;">Page 20</p> <p>1 and so one of the things that we have found is 2 that these short-term rentals -- and, 3 incidentally, our proposal is a short-term 4 rental is sort of taking the guidance that we 5 get from real estate law which is anything 6 that's more than a short-term rental is 7 typically a six months lease with 30-day 8 out clauses to allow for evictions. So 9 short-term rental in our Ordinance, which is 10 consistent with other Ordinances around the 11 country, is anything less than 30 days rental 12 of your dwelling unit. So that's going to be 13 the predicate for what is short-term rental 14 for DuPage County.</p> <p>15 What we're proposing to do 16 is treat short-term rentals and single-family 17 residential units as a home occupation. The 18 County has a Home Occupation Code that allows 19 for things that are not necessarily part of 20 the dwelling unit but are occupations that one 21 would customarily find in a single-family 22 home, like someone who teaches music lessons, 23 someone who teaches French lessons or language 24 lessons, someone -- a sole proprietor who</p>
<p style="text-align: right;">Page 19</p> <p>1 to allow them and regulate them.</p> <p>2 Currently there are 3 approximately anywhere from 65 to 300 4 short-term rentals in unincorporated DuPage 5 County at any one time. The only time that we 6 hear about short-term rentals is typically 7 when the property owner who has a short-term 8 rental calls and complains and says that 9 someone is damaging their own property. 10 That's when we hear about them. Or if there 11 are parties that just get out of hand and we 12 get called on them. The way we regulate 13 short-term rentals now is we treat them under 14 the definition of hotels and motels that talk 15 about what short-term rental is versus 16 longer-term rental. And hotels and motels are 17 considered short-term rental so we issue a 18 violation notice and say it's a hotel/motel 19 and is not a permitted use in a single-family 20 residential neighborhood. We've been 21 successful both in our administrative 22 adjudication program and also in our circuit 23 court cases to get these facilities shut down. 24 We know they're out there,</p>	<p style="text-align: right;">Page 21</p> <p>1 might have a real estate or legal office in 2 their home where they bring people in. Our 3 Code allows for that as a home occupation as 4 opposed to a home business. We don't call it 5 a home business, we want to take the term 6 business out of it. We don't want to 7 prejudice the Ordinance, so we call it a home 8 occupation. That Code has specific 9 requirements to meet the home occupation; it's 10 got to be in the main portion of the home, it 11 can't be in an attached or detached accessory 12 buildings or garage, can't have any signage, 13 can't have any more than three people at any 14 one time, things like that. So we're treating 15 short-term rentals as a home occupation, 16 allowing it as of right and also along with 17 all the other home occupation requirements, 18 adding on some of the typical single-family 19 residential requirements we have in our Zoning 20 Code; for instance, relative to who can be in 21 that home, what amount of people can be in 22 that home. Right now under the County Zoning 23 Ordinance we have a definition of family. The 24 definition of family is not more than -- I</p>

<p>1 take that back. The definition of family is 2 people who are people related by blood or 3 marriage or not more than five people who are 4 unrelated by blood or marriage. For this 5 short-term rental, you have to follow that 6 requirement. You can have people in there who 7 are related by blood or marriage, or you can 8 have up to five people who are unrelated by 9 blood or marriage. I'll get into how we 10 regulate that later, that's going to be one of 11 the requirements.</p> <p>12 In addition, you may be 13 aware of our parking regulations for 14 single-family homes. You can't have more than 15 six passenger vehicles on a residential 16 property. A passenger vehicle is 10,000 and 1 17 -- I'm sorry, it's under 10,001 pounds gross 18 vehicle weight. That's the Illinois Vehicle 19 Code standard for what a commercial vehicle is 20 versus a passenger vehicle. So, not more than 21 six passenger vehicles on the property at any 22 one time. That same requirement would follow 23 with short-term rentals.</p> <p>24 In addition to that, we</p>	<p>Page 22</p> <p>1 also an acknowledgement affidavit that they 2 have read the Home Occupation Standards and 3 the additional standards that are required to 4 be a legal short-term rental. That will allow 5 the County to inspect the properties on a 6 regular basis and the nexus -- and the money 7 that we collect from that would go into a part 8 of our housing fund that would then be used as 9 part of our long-term housing strategies to 10 loan money out for low interest loans, 11 construction loans, other things associated 12 with our housing program.</p> <p>13 CHAIRMAN KARTHOLL: That part is not in 14 the Ordinance; right?</p> <p>15 MR. HOSS: That part is mentioned in 16 the Ordinance, but it's mentioned from the 17 standpoint that that licensing program, they 18 have to get the license, but the licensing 19 program will be separate and apart from the 20 zoning. It will be a completely different 21 program, but you have to --</p> <p>22 CHAIRMAN KARTHOLL: But my question was 23 the use of the money --</p> <p>24 MR. HOSS: Is not in this, correct.</p>
<p>1 will be requiring that any -- that the owner 2 of the property apply for and receive a 3 license -- first of all, register and license 4 with the County as a short-term rental and 5 have an annual renewal license, similar to 6 what we have for liquor, video gaming, adult 7 business uses, tobacco, things like that 8 because these are effectively commercial 9 enterprises in a residential zoning district. 10 So we want to be able to regulate them on a 11 yearly basis, we want to inspect them prior to 12 the home occupation starting out to make sure 13 that the building is in compliance with the 14 Building, Zoning, Health codes and Stormwater 15 codes, similar to what we do when someone 16 applies for a permit. We go out, do a site 17 inspection, make sure nothing on the property 18 that currently is not in compliance with 19 Building, Zoning, Health and Stormwater. And 20 if it's not in compliance, we make them get a 21 permit, bring it into compliance. And then 22 once it's compliant, there will also be a 23 requirement that they indicate the operations 24 of the Airbnb or short-term rental. And then</p>	<p>Page 23</p> <p>Page 25</p> <p>1 CHAIRMAN KARTHOLL: Okay, good. 2 MR. HOSS: And one of the things we 3 have to have to do as a government is I mean 4 these are sort of trite -- pretty simple 5 things, but we've got to show that we've got 6 compelling government interest and we've got 7 to have a nexus between this Zoning Code, this 8 land use code, and what we would do with the 9 funds that we've been putting in a housing 10 program. And our position is that these 11 short-term rentals are single-family homes 12 that are being purchased by people or are 13 owned by people that can't pay the mortgage on 14 them so they decide to rent them out and make 15 money from that. They're taking away from 16 people to be able to buy those properties as 17 single-family homes, and they're also taking 18 away the opportunity to have those properties 19 rented for long-term rentals. So, the use is 20 taking away from two vital issues that are 21 happening in DuPage County, let alone the rest 22 of the country, and that is taking away 23 opportunities for people to own homes at a 24 reasonable price and actually to rent</p>

<p>1 long-term at a reasonable price because now 2 these are being rented on a short term. 3 So we understand they're 4 there. Rather than chase them down through 5 code enforcement and spend time and money and 6 effort and go to court to get them to stop 7 doing this, we know it's happening. From a 8 practical land use standpoint, it has not been 9 a problem, it hasn't had an impact on adjacent 10 properties or roadways other than when it gets 11 to a point where it's a large party and it 12 gets out of hand and, as I said earlier, the 13 property owner calls us up and says help me 14 get the people out that I rented to. 15 Now, one of the things that 16 we put in this Ordinance is that we 17 understand, and we've seen this with some of 18 our big events in DuPage County, whether they 19 be at Cantigny or at the Arboretum or at some 20 of our golf courses, that people rent their 21 houses out and they rent them out for more 22 than five people that are unrelated by blood 23 or marriage. We get that. We have a 24 provision in here that someone can ask for a</p>	Page 26	<p>1 extraordinary things in place for you to be 2 able to do them. I know it's a bit of a leap 3 in terms of short-term rentals, but if someone 4 wanted to have more than five people unrelated 5 by blood or marriage, they could ask for a 6 special event, bring it to the Development 7 Committee and say we're going to and give us 8 more detail, then we could put additional 9 conditions on it and things like that. So, 10 that's the regulatory side of things. 11 On the enforcement side of 12 things, when someone violates our Code we 13 issue a violation notice. They have 14 days 14 by Code and statute to be able to come into 15 compliance. If they don't come into 16 compliance, we take them to our administrative 17 adjudication program. If we have to take it 18 to the next level, we take it to Circuit 19 Court. All of those things will be available 20 to us with this program. In addition, we have 21 the ability to simply pull their license if 22 they are in violation at any one time. They'd 23 still get a violation notice but now we can 24 pull their license and that has a much more</p>	Page 28
<p>1 special event. We have a Special Event 2 Program already in our Zoning Code where if 3 you're doing something extraordinary on your 4 property, you can come in and seek the ability 5 to do something extraordinary and get approval 6 from the County Development Committee. 7 So, for instance, the 8 President's Cup is going to be at Medinah next 9 year, and in the past we've had the Ryder Cup, 10 we've had several PGAs at medinah. Medinah's 11 a private country club, so when they do 12 something extraordinary like open their 13 country club up to everybody in the world, 14 that's a special event. We bring that to the 15 Development Committee and we bring in all of 16 the entities that would be involved in that: 17 The sheriff, the State Police, and in some 18 cases the Secret Service, local road 19 jurisdictions, State road jurisdictions, 20 Health, Building, Stormwater, Division of 21 Transportation, and we have all of them look 22 at the temporary program and sign off on the 23 temporary program and we say okay, you can do 24 this for two weeks and we've got all these</p>	Page 27	<p>1 dramatic effect than a simple Code violation. 2 So, from a standpoint of 3 this potentially being not controllable, A, we 4 don't have that problem right now for the most 5 part. We've only had about ten instances in 6 the last ten years where we've been made aware 7 that Airbnbs are operating in unincorporated 8 DuPage County. And as I said before, we did a 9 study. Which didn't want to bring that 10 tonight because we didn't -- we know where all 11 the Airbnbs are, but we don't want to submit 12 that to the record because it wouldn't -- 13 submitting that to the record would mean we 14 would have to -- we're acknowledging they're 15 out there and we're not issuing violations. 16 But at any one time in the last two years, 17 once again there's been anywhere from 60 to 18 300 Airbnbs in the unincorporated DuPage 19 County. And in the past year we've only had 20 two incidents where people have called and 21 complained. Having said that, we still have 22 enforcement capabilities and this will also 23 give us another tool to simply lift their 24 license.</p>	Page 29

<p>1 So that's our Airbnb 2 Program.</p> <p>3 CHAIRMAN KARTHOLL: Which is an 4 after-the-fact remedy if there is a problem, 5 as opposed to styling this as a conditional 6 use which would require notice to the 7 neighbors and be a sort of a before-the-fact 8 remedy.</p> <p>9 MR. HOSS: Our position is that there 10 doesn't need -- the presumption is there 11 doesn't need to be a remedy.</p> <p>12 CHAIRMAN KARTHOLL: Because there's no 13 problems.</p> <p>14 MR. HOSS: There hasn't been an issue 15 with it. As an example, when we were looking 16 -- when we brought to you another text 17 amendment in this initiative, we brought to 18 you this notion that one could have an 19 accessory dwelling unit -- well, let me back 20 up. We've always had the ability to have an 21 accessory dwelling unit in your home for 22 people who are over the age of 55 and a member 23 of your family. And we've seen a few of those 24 throughout the years. Basically it's the</p>	Page 30	<p>1 and converting them into homes, much more so 2 than Airbnb complaints. And that's why we 3 think, A, we don't have a problem, and if we 4 do, we don't have a preemptive way to handle 5 it, but we've got a way to deal with it after 6 the fact. And then pulling the license we 7 think can get it shut down more quickly than 8 we can do other code enforcement.</p> <p>9 CHAIRMAN KARTHOLL: I have for a long 10 time rented monthly in resort areas of Mexico 11 or whatever, and sometimes those months are 31 12 days. Why didn't you take 31 instead of 30?</p> <p>13 MR. HOSS: So, once again, the closest 14 thing that we could find to long-term rental 15 was typical real estate contracts that are six 16 months with 30-day out clauses, and the 30-day 17 out clause is to allow for eviction. So, that 18 seems to stand the test of time both legally 19 and practically for the market, and so we took 20 anything less than 30 as short-term rental.</p> <p>21 CHAIRMAN KARTHOLL: But if you rented a 22 month and it has 31 days and yours is for a 23 month, that's a long-term rental? But a month 24 that has 28 or 29 or 30 is a short-term</p>
<p>1 mother-in-law or in-laws' apartment where 2 we're trying to bring mom home and have her 3 live with us but she has her own little space. 4 We changed that last year to allow that same 5 process, but with no age limitation and no 6 familial limitation, but we made it a 7 conditional use. We have brought other things 8 to you and we've said let's make these as of 9 right. The reason we made that a conditional 10 use is we recognized that that could 11 potentially be a problem because we're 12 allowing people to not only have a dwelling 13 unit in their home, but also an accessory 14 dwelling unit in an accessory building. And 15 the difference between this and that is that 16 now we've got someone living on the property 17 for long-term periods in a separate building 18 that heretofore has just been a garage or a 19 detached building. And so the people that 20 live next door to them had always recognized 21 that detached building to be a garage and 22 basically dormant, now they've got a family or 23 a person living in there full-time. We've had 24 issues with that, people taking their garages</p>	Page 31	<p>1 rental?</p> <p>2 MR. HOSS: Anything that's 29 or less 3 would be short-term rental under this code. I 4 don't disagree there might be anomalies. One 5 of the ways that you can deal with that 6 anomaly is ask for a special event if you 7 wanted to go a little bit longer than the 29 8 days. We're not talking calendar days here, 9 we're talking just the typical real estate 10 contract is 6 months, 30-day out clauses, so 11 we're doing short-term anything less than 30 12 days. So you can rent for 29 days if you want 13 to and that would be short-term. The 30th day 14 -- now, arguably you could do a second rental.</p> <p>15 CHAIRMAN KARTHOLL: I thought it was 30 16 days or under, so it's under 30?</p> <p>17 MR. HOSS: It's under 30 days. The 18 original conversation that I may have had I 19 may have said 30 days, but that is not 20 consistent with --</p> <p>21 CHAIRMAN KARTHOLL: -- the standard.</p> <p>22 MR. HOSS: The standard.</p> <p>23 CHAIRMAN KARTHOLL: It's the real 24 estate provision.</p>

<p>1 MR. HOSS: It's got to be under 30 2 days. I know that's not a good round number, 3 but it's under 30 days.</p> <p>4 CHAIRMAN KARTHOLL: Dennis, did you 5 have a question?</p> <p>6 COMMISSIONER MORAN: I do. Let's say I 7 have somebody I want to rent it to 59 days, 8 can I have them sign two rental agreements?</p> <p>9 MR. HOSS: Sure, two separate.</p> <p>10 CHAIRMAN KARTHOLL: What?</p> <p>11 MR. HOSS: Yeah. I will tell you this: 12 In our Building Code we have for the longest 13 -- well, for the longest time our policies 14 were no temporary buildings. None. I found 15 -- and then we had golf courses coming to us, 16 and especially during COVID. But prior to 17 COVID we had golf courses coming to us like 18 White Pines, Cantigny, Ruth Lake. They came 19 to us and said we want to put up a golf dome. 20 And from a zoning standpoint we said get a 21 special event, call it a day. And then they 22 wanted to keep it up longer, and so I went to 23 the Building Code and said, well, you have the 24 ability to put something up temporarily. And</p>	<p>Page 34</p> <p>1 MR. HOSS: You wouldn't have to meet 2 this requirement. People right now are 3 renting on a monthly basis rooms in their 4 houses or their whole house to people through 5 the standard rental agreement. That's not 6 short-term rental, that's rental.</p> <p>7 COMMISSIONER MORAN: They've just got 8 to meet everything else, six cars?</p> <p>9 MR. HOSS: Yeah. Well, to be fair -- 10 well, not fair, to be clear, one of the 11 reasons we have not more than five people in 12 the definition of family is, A, we got to be 13 compliant with the Federal Fair Housing Act. 14 B, we recognize that people do rent out rooms 15 and they rent out their houses, so we 16 established the not more than five. Not more 17 than five is no different than anything else 18 that's going on family-wise, and they have to 19 meet all the other Codes, every single code in 20 a single-family residential property. So if 21 you're renting your house out to five people 22 right now on a 30 days or more, you're not in 23 this program. Already exists. Already 24 happens.</p>
<p>1 temporally, we decided, would be it's got to 2 come down in a year, so 364 days of the year. 3 And so, we literally would issue a temporary 4 permit for a golf dome and they would take the 5 golf dome down one day and come back in for a 6 building permit and put it back up. And 7 that's technically legal. While it may be a 8 bit of a loophole, but that would be 9 consistent with what we're talking about here.</p> <p>10 Now having said that, what 11 we have found with the Airbnb short-term 12 rental practices is that people are not doing 13 that. Now if you wanted to rent -- first of 14 all, if that's what you wanted to do you would 15 have already registered with the County to be 16 an Airbnb. But if you didn't register with 17 the County to be an Airbnb and you had someone 18 -- you just wanted to rent out your place for 19 31 days, you would never have to register as 20 an Airbnb or a short-term rental. You can do 21 it. You can do that right now. Thirty days 22 and up, you can rent right now your home or a 23 room in your house.</p> <p>24 COMMISSIONER MORAN: Without a permit?</p>	<p>Page 35</p> <p>1 CHAIRMAN KARTHOLL: You're not in any 2 program.</p> <p>3 MR. HOSS: Well, it's in the single- 4 family home program.</p> <p>5 CHAIRMAN KARTHOLL: Yeah, okay.</p> <p>6 MR. HOSS: You're in the program that 7 we -- you're in the Zoning Ordinance that we 8 have right now.</p> <p>9 CHAIRMAN KARTHOLL: Okay. Well, I 10 guess we can give it some thought. Anybody 11 else?</p> <p>12 COMMISSIONER SCHULTZ: I just have a 13 question. If you can rent for 30 days, if I 14 have an Airbnb, but if I wanted to rent it for 15 30 days, why couldn't I just do that in the 16 other program?</p> <p>17 MR. HOSS: Well, first of all, there is 18 no other program, you're just in a 19 single-family residential home situation.</p> <p>20 You've chosen to rent your house out. If you 21 are -- if you right now choose to rent your 22 house out on a short-term basis, less than 30 23 days, and we become aware of it, we say two 24 things: You're in violation of our Zoning</p>

<p>1 Code, A, because you can't do that; and B, if 2 you want to do it you got to get an Airbnb 3 license and then you can do it and follow all 4 those rules.</p> <p>5 COMMISSIONER SCHULTZ: That's what I 6 understand, but my question is if I have an 7 Airbnb and I'm renting it out for a week at a 8 time or 29 days often, but if somebody comes 9 to me for 30 days, couldn't I just rent it out 10 to them for 30 days because that would be --</p> <p>11 MR. HOSS: In theory --</p> <p>12 CHAIRMAN KARTHOLL: They don't have to 13 stay the 30th.</p> <p>14 COMMISSIONER MORAN: He said you could 15 do it twice.</p> <p>16 MR. HOSS: Here's the situation: In 17 theory you would have to do two different 18 Airbnb contracts. Now practically you may not 19 do that, but in theory that's what you have to 20 do to meet the Ordinance. We know that people 21 may rent it out for more than 30 days. If we 22 get a complaint that says I think people are 23 living in there for more than 30 days, we go 24 back to the Airbnb agreement that they have</p>	Page 38	<p>1 and I'm doing all of these other ones, why 2 would it be a violation because I can already 3 as of right rent my home for 30 days long-term 4 rental, or is it just because I'm in the 5 program?</p> <p>6 MR. HOSS: Because you said you were 7 going to be in the program and follow the 8 program. And the idea there is if you're 9 renting out long-term, then you have two 10 things. You are -- irrespective of what you 11 might be renting it out for, you're at least 12 not taking the property away from a long-term 13 renter, even if a long-term renter is 31 days. 14 So that helps out with our Housing Solutions 15 Program.</p> <p>16 B, if you are coming in and 17 out of the program, you're going to have to 18 make a decision at some point if it becomes a 19 problem, if it manifests itself as a problem.</p> <p>20 CHAIRMAN KARTHOLL: How do you know 21 that?</p> <p>22 MR. HOSS: People call us up and say, 23 hey, these people have been living there for 24 two months. It's the same way we get any</p>	Page 40
<p>1 with the County, we take a look at it, we see 2 if they are in compliance with the Airbnb 3 contract. If it turns out they rented it for 4 more than 30 days, they would get a violation 5 notice and they would have to come to 6 compliance and they could potentially lose 7 their license. The chances of us finding out 8 about that are very remote. Now, that's not 9 to excuse the fact that someone might 10 technically be violating the Ordinance, but I 11 can tell you every piece of property in the 12 unincorporated area is likely in violation of 13 some County Zoning Code. It's not until 14 someone calls us up or we go out on a matter 15 where we're inspecting the property because of 16 one thing and we see something else do we 17 start to issue violation notices.</p> <p>18 From a technical standpoint 19 they wouldn't be able to do that. From a 20 practical standpoint, it's probably going to 21 happen. Does that make sense?</p> <p>22 COMMISSIONER SCHULTZ: Yeah, but I 23 guess I'm just looking at it sort of it seems 24 like well, if I'm renting it out short term</p>	Page 39	<p>1 violation complaint, someone calls us up or 2 the sheriffs call us up or someone visits. 3 However we get complaints and we go out and 4 inspect and if someone says, hey, these people 5 -- as an example, these people have been 6 living here for two months. And usually it 7 manifests itself in some other way. Let's 8 take all those other incidents that could 9 potentially happen out of the equation. 10 Someone calls up and says I'm aware of your 11 short-term rental program, it's not more than 12 29 days, he's here on his 30th day, you need 13 to come out and inspect. If he's in 14 violation, we have to issue a violation 15 notice.</p> <p>16 CHAIRMAN KARTHOLL: Except for Mr. 17 Moran's notion that oh, no, you missed the 18 point, I made him sign a second lease.</p> <p>19 MR. HOSS: If he signed a second lease, 20 they would show us that. Absolutely. 21 As an example, and I got to 22 be careful about mixing apples and oranges 23 here, but we have people that have 24 recreational vehicles that park their</p>	Page 41

<p style="text-align: right;">Page 42</p> <p>1 recreational vehicles in front of the front 2 wall of their house. 3 CHAIRMAN KARTHOLL: Yeah, we sure do. 4 MR. HOSS: Can't do it, you got to be 5 behind the front wall of the house. Many 6 instances we get a complaint we go out and the 7 guy goes yep, I just park it here and clean 8 it, it'll be gone tomorrow. And we give him 9 14 days, we check it out in 14 days, it's 10 gone. Now, the ones that don't, we can go to 11 the next level. Similar type thing here. We 12 would -- if they came into compliance right 13 away, we're done. If they don't come into 14 compliance right away, violation plus we have 15 the potential to pull their license. 16 The other thing practically 17 that we found is that if you do short-term 18 rentals, you are going to make a lot more 19 money than if you do long-term rentals. Your 20 risk goes up in terms of your insurance and in 21 terms of your potential liability and in many 22 different things, but you make a heck of a lot 23 more money. And we have a lot of people out 24 there that have bought properties -- we have</p>	<p style="text-align: right;">Page 44</p> <p>1 October 2. 2 (Which were all the 3 proceedings had and 4 testimony taken in the 5 above-entitled cause.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 43</p> <p>1 one lady or one person that has five 2 single-family homes and all she does is Airbnb 3 them and we have her in court. We have a lot 4 of people just buying properties because the 5 value of properties in DuPage County is 6 incredible because of the need for corporate 7 housing. We've seen a lot of that. Anyway. 8 CHAIRMAN KARTHOLL: Okay. 9 MR. HOSS: That is my presentation. 10 Thank you. 11 CHAIRMAN KARTHOLL: I think we've 12 exhausted our questions. 13 May I ask, Miss Stern, does 14 this additional conversation engender any 15 follow-up questions from you or are you still 16 satisfied that, you know, you'll comment 17 later? 18 MS. STERN: I'm sorry. Yeah, we will 19 definitely provide comments at a later point. 20 CHAIRMAN KARTHOLL: Okay, thank you 21 very much. 22 I'll indicate there's no 23 old business, no new business and so we're 24 ready to adjourn the meeting and reconvene on</p>	<p style="text-align: right;">Page 45</p> <p>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, 6 do hereby certify that at the request of the 7 DU PAGE COUNTY ZONING BOARD OF APPEALS, 8 subject to the usual terms and conditions of 9 Veritext, reported in shorthand the 10 proceedings had and testimony taken at the 11 public hearing of the above-entitled cause, 12 and that the foregoing transcript is a true, 13 correct and complete report of the testimony 14 so taken at the time and place hereinabove set 15 forth. 16 17 18 19 20 21 22 23 24</p> <p style="text-align: right;"><i>Linda M. Ciosiek</i></p> <p style="text-align: right;">CERTIFIED SHORTHAND REPORTER</p> <p style="text-align: right;">My Commission Expires: July 26, 2026.</p>

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