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BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

Text Amendments) T-1-24

May 14, 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, via Zoom.
- MR. BARRY KETTER, Acting Chairman.
- MS. JANICE ANDERSON, Commissioner.
- MR. CARL SCHULTZ, Commissioner.
- MR. JACK MURPHY, Commissioner.
- MR. ZAIN RAHMAN, Commissioner.

<p style="text-align: right;">Page 2</p> <p>1 ALSO PRESENT: 2 MS. JESSICA INFELISE DATZMAN, Planning & 3 Zoning. 4 MR. PAUL HOSS, Planning & Zoning. 5 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 4</p> <p>1 COMMISSIONER KETTER: I'm going to call 2 the meeting to order. There won't be a roll 3 call. Dennis hasn't checked in yet, but Bob 4 Kartholl is on by phone for it so we can move 5 to public comment. There is one piece of 6 public comment that will be put into the record 7 that I saw. There is no minutes, so we don't 8 have to do it. 9 We'll move to the public 10 hearing tonight is regarding Text Amendments. 11 Paul has told us he will give us a brief 12 summary of it. I have an exhibit that lays it 13 out, too, that I will mark as Exhibit 1 for 14 this hearing. 15 (Whereupon, Petitioner's 16 Exhibit 1 was marked for 17 identification.) 18 (Whereupon, the oath was 19 duly administered by the 20 Notary.) 21 MR. HOSS: Mr. Chairman, Paul Hoss, 22 DuPage County Building & Zoning Department. We 23 come before you tonight to have the Board 24 consider Exhibit 1, which is our proposed text</p>
<p style="text-align: right;">Page 3</p> <p>1 EXHIBITS 2 PAGE NO. 3 Petitioner's Exhibit 1 4 4 5 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 5</p> <p>1 amendments to the DuPage County Zoning 2 Ordinance. The DuPage County Development 3 Committee, as we often -- as we always do in 4 these cases, took the matter up for at least 5 consideration to send to the Zoning Board of 6 Appeals at their last Development Committee 7 meeting and authorized us to bring these 8 proposed text amendments forward to that and 9 public hearing tonight. 10 Just very briefly, a lot of 11 these text amendments are based on the last 12 year's issues that have come up before the 13 Zoning Department and Zoning Division, and also 14 have come up through various complaints or 15 concerns at the County Board level and the 16 County Development Committee level. And also, 17 some of these text amendments represent some 18 proposed changes based on the initiatives that 19 have been started by the County Board. 20 Very quickly, the most 21 important one that's before you tonight has to 22 do with video gaming. In 2019, the County 23 Board approved video gaming but didn't develop 24 any codes or ordinances that dealt with land</p>

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1 use considerations relative to video gaming.
 2 Over the last three years that we have been
 3 issuing liquor licenses relative to video
 4 gaming per the State of Illinois gaming
 5 requirements, we found there are some issues
 6 relative to the land use components of video
 7 gaming.
 8 So the text amendments
 9 tonight include some new definitions relative
 10 to video gaming, also relative to restaurants
 11 where video gaming is allowed by the County
 12 Liquor Control Code and also the state code,
 13 State Gaming Code. Also, some changes relative
 14 to gas stations and truck stops where video
 15 gaming is, in theory, permitted under the state
 16 codes and under the County Liquor Control
 17 Codes. The proposed changes to the Zoning
 18 Ordinance are going in tandem with some changes
 19 that are being made in the County Liquor
 20 Control Ordinance as well. And most notably
 21 what we are doing is that we are creating the
 22 opportunity as exists right now, but clarifying
 23 the opportunity for gaming devices to be
 24 allowed in restaurants and taverns, but also

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1 they are, in theory, allowed in convenience
 2 stores, in fraternal and veterans organizations
 3 such as the Elks Club and VFW and things like
 4 that. But also by state law, they're allowed
 5 in truck stops. So one of the things we're
 6 doing with those changes is to clarify and put
 7 definitions on these types of land uses, more
 8 specific definitions of these types of land
 9 uses, and also indicated where they would be
 10 permitted as of right being permitted by the
 11 conditional use. They still would have to go
 12 through the process of getting a liquor
 13 license, because under the state law in order
 14 to do video gaming you have to have a liquor
 15 license to pour liquor on a property. So,
 16 these proposed text changes will help with our
 17 land use considerations.
 18 In addition, we have changed
 19 the parking regulations relative to the video
 20 gaming locations. Right now video gaming
 21 locations are effectively only allowed in
 22 commercial zoning districts where you have a
 23 restaurant. If you have a restaurant, our code
 24 says you have to have a certain amount of

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1 parking spaces for restaurants, which far
 2 exceed -- far and away exceed what a typical
 3 gaming facility really requires. We've had
 4 some zoning cases before the Zoning Board of
 5 Appeals where people have asked for variations
 6 to reduce the number of parking spaces for
 7 restaurants to accommodate solely a video
 8 gaming facility that serves beer and wine and
 9 has some light food services. The metrics and
 10 the data that these folks who have come in
 11 before the County Zoning Board of Appeals have
 12 shown us is that the actual video gaming device
 13 facilities have a dramatic less number of
 14 parking needs than a typical restaurant, so we
 15 put some parking requirements in there to
 16 really to peak measurement with the actual
 17 needs of video gaming facilities. This will
 18 also ensure that existing video gaming
 19 facilities that we have in DuPage County will
 20 be compliant with our new zoning codes relative
 21 to video gaming facilities.
 22 We're also adding a video
 23 gaming cafe so we can distinguish those types
 24 of facilities from restaurant facilities,

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1 because really these video gaming facilities
 2 are not restaurants, they're more of a cafe
 3 where the main use of the property is for video
 4 gaming, not for a restaurant or other things.
 5 So that's something that we are looking to move
 6 forward, and that's, as I said, going forward
 7 with the liquor control changes.
 8 The other change to the
 9 Zoning Code has to do with beekeeping. The
 10 County Board has seen many people that have
 11 come before the County Board looking to have
 12 bees on their residential properties. As
 13 you're aware, the County does allow for
 14 agricultural uses on property that are over an
 15 acre in size by right, so long as you can do it
 16 as part of a 4-H project. This proposal would
 17 allow for beekeeping, similar to what we did
 18 with the chicken ordinance, is to be allowed as
 19 of right on a residential property when the
 20 property is less than 40,000 square feet in
 21 size. So, it would limit the number of
 22 beehives to no more than two, you would also be
 23 required to get a 4-H certificate, and you
 24 would also have some setback requirements,

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1 similar to what we did with the chickens. The
 2 idea of having this come through as of right of
 3 a property less than 40,000 square feet in a
 4 residential zoning with a 4-H program is that
 5 there will be some guidance, some additional
 6 certification that a property has to go through
 7 with 4-H. In addition, the state requires that
 8 you receive a certification from the state, the
 9 Department of Natural Resources, to be able to
 10 -- I'm sorry, the Department of Agriculture, to
 11 be able to have bees on the property as well.
 12 So, while the County is not
 13 asking for people to do anything extraordinary
 14 necessary for the County, we are still asking
 15 for the certificates from the state and 4-H
 16 because we're comfortable that those two
 17 organizations will make sure that the bee-
 18 keeping activities and the education that's
 19 associated with having beehives on your
 20 property will be well-documented with the state
 21 and also with 4-H.
 22 The next requirement has to
 23 do with fencing, next change has to do with
 24 fencing. As we've seen -- well, we haven't

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1 really seen it here at the Zoning Board of
 2 Appeals, but we've seen it at the Zoning
 3 Hearing Officer's public hearings where people
 4 have come in and asked for zoning relief to be
 5 able to have a taller fence immediately
 6 adjacent to the property line in a corner side
 7 yard. We have -- for the last 20 years or so,
 8 we required that fences in a corner side yard,
 9 within the first ten feet of a corner side
 10 yard, the fence can only be four feet high and
 11 50 percent open. At ten feet you can go to 6
 12 foot 6 and 100 percent closed.
 13 We found that in probably
 14 100 instances since we've had that code in
 15 place, we've had property owners come in and
 16 ask for zoning relief. In almost every
 17 instance they've been able to prove up that
 18 putting a fence within that ten feet, three
 19 inches from the corner side property line, has
 20 not been a problem. There's been no objections
 21 from neighbors, and practically it doesn't
 22 create a problem.
 23 Historically, the reason we
 24 had that setback requirement is that you would

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1 -- in a corner side yard, you would typically
 2 have another property adjacent to the corner
 3 side yard, a front yard of the property behind
 4 it. What we wanted to try and do is preserve
 5 the ability for that property owner who has the
 6 front yard to be able to drive off their
 7 property and not be blocked by a fence when
 8 they're trying to get out of the driveway.
 9 Even in instances where we
 10 do have a front yard of a property behind a
 11 corner side yard of another property, those
 12 neighbors have indicated that there's really no
 13 issues with line of sight. And in many
 14 instances, one of the reasons there is no issue
 15 is because there's already landscaping there,
 16 there's big trees and vegetation that would
 17 have blocked the line of sight, which is
 18 permitted anyway. So what we're proposing to
 19 do is to allow people to put fences right up
 20 within three inches of the property line at 6
 21 foot 6, which is the maximum height, and 100
 22 percent opaque without having to go through
 23 this.
 24 COMMISSIONER ANDERSON: Should I wait

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1 for my questions?
 2 MR. HOSS: Yeah, let me finish up here.
 3 So that's what we're proposing with the fence
 4 regulations.
 5 Relative to places of
 6 assembly, that's just simply a clean-up
 7 situation. We are adding to the definition of
 8 places of assembly all of the types of places
 9 of assembly that are allowed. This goes back
 10 from a 2010 Ordinance change where we took
 11 religious institutions and took that out of the
 12 main definition section because of a lawsuit
 13 that was filed against the County in Federal
 14 court, and so in order to sort of neutralize
 15 the terms and the nomenclatures that were
 16 pretty well-charged with these religious
 17 institutions and things like that, we changed
 18 the nomenclature to places of assembly and put
 19 different types of land uses in place of
 20 assembly from typical religious institutions;
 21 churches, synagogues, mosques, temples, we
 22 added that, those uses, as religious
 23 institutions with schools and recreation
 24 facilities and social facilities, so as to make

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1 sure that we were not sort of creating a
 2 situation where one might think that we were
 3 focusing on one particular type of use that
 4 could be a little bit problematic in terms of
 5 First Amendment rights. We just decided to use
 6 the term place of assembly.
 7 The way we have that sorted
 8 out throughout the entire Zoning Ordinance is
 9 that we had very specific terms in each of the
 10 Zoning sections that said place of assembly and
 11 then we enumerated -- itemized different places
 12 of assembly. What we're trying to do is get
 13 rid of that altogether and just have as the
 14 permitted use in each of the zoning districts
 15 the term place of assembly, and then we're
 16 going to define place of assembly more
 17 specifically in the definitions section.
 18 That's all this is doing here.
 19 As it relates to passenger
 20 and commercial vehicle regulations, what we're
 21 doing there is that we are changing the
 22 definition of passenger and commercial vehicles
 23 based on the State Motor Vehicle Code.
 24 Currently our Zoning Ordinance defined a

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1 passenger vehicle and commercial vehicle as a
 2 passenger vehicle being a vehicle with a gross
 3 vehicle weight rating of 8,000 pounds or less,
 4 and a commercial vehicle being a gross vehicle
 5 weight rating of more than 8,000 pounds. The
 6 State Motor Vehicle Code has changed to 10,001
 7 pounds. A commercial vehicle is a vehicle now
 8 under the State Motor Vehicle Code of a weight
 9 of 10,000 or more pounds. So we're just
 10 changing the County's Zoning Ordinance to
 11 mirror the state code as well.
 12 As it relates to new
 13 regulations regarding accessory structures and
 14 buildings, right now for a piece of property
 15 that's 40,000 square feet or smaller in size,
 16 the maximum square footage that is allowed on a
 17 piece of property for detached accessory
 18 buildings individually or combined is 650
 19 square feet. If you're over 40,000 square
 20 feet, there is a multiplier associated with
 21 that. The multiplier is 0.1625.
 22 And what we have found is
 23 that we don't see a lot at the Zoning Board of
 24 Appeals, but as I mentioned with the fences, we

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1 see this a lot at the Zoning Hearing Officer's
 2 public hearings, people coming in and asking
 3 for increased square footage for detached
 4 accessory buildings. So what we have done is
 5 come up with a new multiplier. That multiplier
 6 is 0.025, and what that does is it takes any
 7 piece of property that's 40,000 square feet or
 8 less and allows, as of right, a total square
 9 footage of a thousand square feet for detached
 10 accessory buildings, raising that from 650 to a
 11 thousand. And then at anything over 40,000
 12 square, you take the size of the property,
 13 multiply it by 0.025.
 14 The rationale for that is
 15 that what we found is that in the Zoning
 16 Ordinance you're entitled to have six passenger
 17 vehicles, six passenger vehicles is a typical
 18 parking stall requirement in the Zoning
 19 Ordinance equates to a certain square footage
 20 if you multiply six times roughly 150 square
 21 feet. And then, in addition, you're entitled
 22 to have up to 500 square feet of storage area
 23 for recreational vehicles; RV's, campers,
 24 boats, things like that. When you add all that

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1 together, you're entitled to essentially have
 2 around 1,000 square feet of square footage
 3 covered with cars and recreational vehicles.
 4 But at the 650 square foot level which we
 5 currently have in the Ordinance, you can't put
 6 all that stuff inside the building. So the
 7 idea here is to sort of accommodate the amount
 8 of vehicles and recreational vehicle area that
 9 you're allowed to have on the property, by
 10 going up to a thousand square feet, you can at
 11 least now put all those vehicles inside the
 12 building and not have to ask for relief.
 13 Typically what we find is
 14 people coming and asking for zoning relief
 15 saying I got all these vehicles, I got all this
 16 stuff that I'm entitled to have on my property,
 17 but I'm not entitled to build a building large
 18 enough to accommodate it all. This change
 19 would accommodate it all, at the same time it
 20 wouldn't -- we don't think it would have any
 21 impact on the adjacent properties by having
 22 larger buildings on the property. We think
 23 that the property can accommodate that, and we
 24 have seen zoning relief granted to accommodate

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1 these things where people come forward to us.
2 The next and last item here
3 is the new residential guidelines relative to
4 existing what are called historic lots of
5 record. The County Zoning Code says that for
6 any new lots that are developed in the County,
7 depending on the Zoning districts, if you're on
8 septic and well, for the most part the minimum
9 lot size that you're required to have is a
10 40,000-square-foot lot with a minimum lot line
11 of 125 feet. Depending on if you have sewer to
12 the property, that number goes down to 20,000
13 square feet. And if you have sewer and water
14 to the property, depending on the zoning
15 district you're located in, it could go down to
16 15,000 square-foot lots or 10,000 square-foot
17 lots. So depending on the different utilities,
18 you could have much smaller lots.
19 There's another provision in
20 the Zoning Code that says if you have a
21 historic lot of record, a historic lot of
22 record is a lot that was platted before 1957
23 and looks the same way today as when it was
24 platted before 1957, those are what are called

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1 historic lots of record.
2 About 15 years ago we
3 changed our Ordinance to create the historic
4 lot of record concept. Prior to that, those
5 lots were legal nonconforming, they were
6 grandfathered in, and they were considered
7 legal nonconforming. The theory of legal
8 nonconforming is that if you've got a legal
9 nonconforming piece of property, it's legal,
10 but it doesn't conform to the Zoning Ordinance.
11 And from a government standpoint, you could
12 still get building permits and things like
13 that. You might need some variations and some
14 zoning relief, but more importantly from the
15 private side of things, the title companies,
16 the insurance companies, the financing
17 companies, once they saw the term legal
18 nonconforming, that created a bit of a problem
19 that -- the problems were able -- they were
20 relatively easily reconcilable. They'd ask the
21 County for a letter, we sent the letter out,
22 they explained things, but it was difficult
23 sometimes to get insurance on legal
24 nonconforming properties, difficult to get

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1 title insurance, difficult to get the
2 financing. So we changed legal nonconforming
3 on these lots to historic lots, which made them
4 automatically legal.
5 And the requirement to be
6 able to build on historic legal lots of record
7 was that there were no lot size requirements,
8 there were only lot width requirements. And
9 the lot width requirements are that if you had
10 a property that was historic, developed prior
11 to '57, platted prior to '57, the minimum lot
12 width for a lot serviced by septic was 66 feet
13 wide. On sewer and well, 50 feet wide. And on
14 sewer and water, 40 feet wide.
15 The reason we came up with
16 those numbers at the time is that when we
17 looked at all the historic subdivisions out
18 there throughout the County, there's about 20
19 of them, most of the lots in the subdivisions
20 were developed anywhere between 50 and 66, or
21 67, 68 feet wide lots. So they just let --
22 those numbers came from what was historically
23 out there.
24 What we found is that when

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1 we created that law, people were able to
2 redevelop those properties and help those
3 neighbors out dramatically. So, in the last 15
4 years that concept worked. Now what we're
5 doing, because of the initiative from the
6 County Board where they are trying to develop
7 more housing for people and more housing that's
8 affordable for people, one of the things that
9 we have found is that we can do is take these
10 historic lots of record and make a very minor
11 change to them, and that minor change is that
12 rather than having those three different levels
13 of whether or not they're buildable or not,
14 we're just -- we're getting rid of the
15 requirement that if you're on septic, you've
16 got to be 66 feet wide; sewer and water -- or
17 sewer and well, 50 feet; and sewer and water 44
18 feet. We're getting rid of that and saying if
19 your lot is 50 feet wide and it's a historic
20 lot of record, then there are no requirements
21 to build on it in terms of providing sewer and
22 water and sewer, septic or any combination;
23 therefore, if your lot is 50 foot wide platted
24 before '57, looks the same way it does today as

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1 it did before it was platted, then you can
 2 develop on it with any type of utility.
 3 And the concern that we had,
 4 and why we didn't do that 15 years ago, is that
 5 when you develop a property on septic and well,
 6 you have to make sure that your septic and well
 7 is on your property, and the adjacent
 8 property's has to be 75 feet apart. What we
 9 found is that if we change this Ordinance and
 10 say if you have a lot that's 50 feet wide, you
 11 still got to make sure that your septic and
 12 well is going to be 75 feet away from another
 13 septic and well. So you still have all the
 14 Health Department requirements, all the
 15 building code requirements, what this code will
 16 do is free up probably about a thousand pieces
 17 of property throughout the entire county to be
 18 developed -- to be able to be developed as of
 19 right right now, whereas those properties are
 20 not able to be developed, they require zoning
 21 relief, there's costs associated with that, and
 22 that increases the price of the property.
 23 The other concern that I
 24 think was raised when we talk about this is

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1 will that change this neighborhood because we
 2 are now allowing these properties to be
 3 developed? The answer is no, because there are
 4 -- in some instances, these neighborhoods have
 5 already been platted, there are already houses
 6 on these properties and those houses are legal
 7 nonconforming because they were built probably
 8 100 years ago. So we do have houses on a lot
 9 of properties in the county that are 50-foot
 10 wide lots because they are grandfathered in.
 11 If that house would have burned down or be
 12 damaged or destroyed, they would have to come
 13 in for zoning relief. Under this new code, you
 14 can just go ahead and rebuild. But the key
 15 here with this proposal is that we don't think
 16 it will have any impact on neighborhoods; more
 17 importantly, if we free up, as I said, at least
 18 a thousand pieces of property now to be
 19 developed on as of right, we think that will
 20 help the County's initiative to create -- to at
 21 least have the opportunity to create more
 22 dwelling units in the county to help with our
 23 workforce housing programs.
 24 And those are the proposed

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1 text amendments we have.
 2 COMMISSIONER KETTER: Before we go to
 3 questions, let me do one piece of housekeeping
 4 so that we don't violate any Opening Meetings
 5 Act. This meeting was published in the Daily
 6 Herald on May 14th, 2024 and every municipality
 7 within DuPage County received notice and sent
 8 us notice that they have no comment.
 9 Janice?
 10 COMMISSIONER ANDERSON: Sure, I'll
 11 start. So let's go to this last one, freeing
 12 up the workforce --
 13 THE COURT REPORTER: Can you speak a
 14 little louder, please?
 15 COMMISSIONER ANDERSON: How will, one,
 16 if we can talk about it, we may not be able to,
 17 how would that affect, like, that certain case
 18 that's in Bloomingdale? One question.
 19 Two, will the County be able
 20 to publicize, get out there and say we have --
 21 for the County Board, we have this land
 22 available for this. People don't -- you know,
 23 can they go to these people who own the land
 24 that's accessible and say we can start doing

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1 things. These people may want to sell the
 2 land.
 3 MR. HOSS: Well --
 4 COMMISSIONER ANDERSON: Those are kind
 5 of two questions along with this.
 6 MR. HOSS: So the County -- this process
 7 is the public process by which we are sort of
 8 telling the world, you know, here's what we're
 9 doing. If this ultimately gets approved by the
 10 County Board, there will be a press release and
 11 there will be outreach to property owners that
 12 will tell them that their properties are now
 13 legal and conforming and can be developed.
 14 There are property owners that have banks of
 15 this land that are acutely aware that their
 16 properties might be able to be developed as of
 17 right in the future.
 18 One of the things that we
 19 don't want to sort of publicize too much as of
 20 right now is the fact that, you know, these
 21 particular properties might be available to
 22 develop in the future because of this change,
 23 and the reason for that is we don't want to
 24 arbitrarily or artificially increase the value

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1 of those properties either because people might
 2 go running out and start to buy those things.
 3 This is an attempt to make those -- to get land
 4 out there available to be developed, but we
 5 don't want to artificially increase the value
 6 of those properties. Now those properties will
 7 increase in value, because right now they're
 8 not buildable. As soon as this very simple
 9 change goes through, those properties will have
 10 a value now. Those property owners will know
 11 about it and they can decide to sell those
 12 properties to a developer and the developer can
 13 decide what the free market is going to ask for
 14 those properties. That's how we're handling
 15 that.
 16 COMMISSIONER ANDERSON: Question, so can
 17 you talk about my first question about, like --
 18 so the case we have before obviously can be
 19 developed because it's not one of these
 20 historical, so it's just where -- are we going
 21 to run into the same thing where these suddenly
 22 become, quote, valuable in a way for
 23 development and then, again, all the neighbors
 24 around it are like, no, we don't want this type

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1 of thing. I guess that could be.
 2 MR. HOSS: Well, this is different than
 3 the zoning cases that we're dealing with right
 4 now, but as it relates to --
 5 COMMISSIONER KETTER: I'd just ask that
 6 we not go into anything else --
 7 MR. HOSS: Hundred percent.
 8 COMMISSIONER KETTER: Unless somebody
 9 doesn't want to vote.
 10 MR. HOSS: No.
 11 COMMISSIONER ANDERSON: No, I want to
 12 vote, but I'm just kind of --
 13 MR. HOSS: That's my point. I don't
 14 want to get into that. They're distinguishable
 15 from that. Having said that, the only thing I
 16 can say to what would happen if existing lots
 17 of record that were platted before 1957 because
 18 of a zoning change are now able to be built as
 19 of right, what would happen? The same
 20 situation occurred 15 years ago when we did
 21 this, and the answer was that a lot of people
 22 who now had houses that were being built
 23 nextdoor to them always thought that they were
 24 able to be developed because they were no

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1 different than their houses where they had a
 2 home on them. They couldn't understand why the
 3 property wasn't being developed. So it was a
 4 situation where they just thought that people
 5 didn't have any desire to build on these pieces
 6 of property, not knowing that they were not
 7 legally allowed to be developed on. So from
 8 that standpoint, from that perspective, it's
 9 our belief that when a house does go up on one
 10 of these lots that heretofore wasn't allowed to
 11 be developed on, the same thing will happen
 12 that happened 15 years ago where people will
 13 say, oh, there's a new house, I was wondering
 14 when someone was going to build on that piece
 15 of property, because that property is no bigger
 16 in size or smaller in size than the property in
 17 the neighborhood where there's already a house.
 18 COMMISSIONER ANDERSON: Or those people
 19 who have that house can sell to those
 20 developers or people; right?
 21 MR. HOSS: It becomes a free market
 22 issue, we're just trying to open up land
 23 available.
 24 COMMISSIONER ANDERSON: That's all I

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1 need to know. Got it, that's all I wanted to
 2 know.
 3 Next question, fencing. I
 4 totally get what you're doing there. One of
 5 the questions I had that I was bothered by that
 6 case last summer, remember the case over here
 7 in Milton Township not far where they didn't
 8 know the right side of the fence? Has that
 9 been like -- is that being addressed? I got
 10 it, I think most people got it, he didn't.
 11 Maybe he didn't want to get it, I don't know,
 12 but is something going onto that so there's no
 13 misunderstanding going forward on that type of
 14 thing?
 15 MR. HOSS: We have not addressed that at
 16 this proposed change, and the reason we haven't
 17 is that we have had it on the books, the
 18 requirement that the good side, or any side of
 19 the fence, face outward towards the neighbor's
 20 property and adjacent rights-of-way for at
 21 least 25 years. This is the first instance
 22 where we've one person that said I disagree
 23 with that interpretation. So we think that the
 24 interpretation and the language itself speaks

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1 for itself. It's clear. It's just that in
 2 that particular case, this particular case over
 3 here, that fence was a very, very nice fence on
 4 both sides, it just so happens that the
 5 structural components of the fence were on the
 6 outside as opposed to the inside. And in just
 7 about every instance, well, except maybe two or
 8 three because of a mistake in the other
 9 instances, people always put the good side of
 10 their fence facing out towards the neighbors.
 11 The only time other than this one here that it
 12 hasn't occurred is someone made a mistake and
 13 they fixed it immediately, they had the fence
 14 company come out and change the panels.
 15 COMMISSIONER ANDERSON: But he did it
 16 himself?
 17 MR. HOSS: Right.
 18 COMMISSIONER ANDERSON: Sometimes I
 19 always am curious, and you don't have to tell
 20 me right now, what happens after -- we made our
 21 decision and that, I think, was a final
 22 decision, I mean, so I take it he just changed
 23 it?
 24 MR. HOSS: That decision -- any decision

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1 by the Zoning Board of Appeals is a
 2 recommendation to the County Development
 3 Committee. The County Development Committee
 4 then makes a recommendation to the full County
 5 Board, and the full County Board has final
 6 disposition. The full County Board in that
 7 situation denied the petition.
 8 COMMISSIONER ANDERSON: Okay.
 9 MR. HOSS: And what the petitioner did
 10 is that he decided that -- I know it sounds a
 11 little bit silly on both sides, the government
 12 side and his side, but what the petitioner did
 13 is instead of taking down the structural
 14 components on the outside, he put structural
 15 components on the inside, so effectively had
 16 two finished sides.
 17 COMMISSIONER ANDERSON: Oh, okay.
 18 MR. HOSS: That was the resolution,
 19 which is fine.
 20 COMMISSIONER ANDERSON: That's all I
 21 wanted to know whatever happened to that. No
 22 more questions, thank you.
 23 COMMISSIONER KETTER: Okay, then we're
 24 finished.

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1 COMMISSIONER SCHULTZ: Beekeeping, in
 2 reading this, does it -- are we requiring you
 3 have a 4-H permit? Like if I decided I wanted
 4 to do beekeeping and I meet all the other
 5 citings but I don't want to join 4-H, is that
 6 okay?
 7 MR. HOSS: No, you have to have a
 8 certification from the Department of
 9 Agriculture and also have to have certification
 10 from 4-H. The state requires in order to have
 11 beekeeping, irrespective of your jurisdiction,
 12 is you got to get a license, or a
 13 certification, from the state to have bees.
 14 And the reason for that -- you'll read this,
 15 but the reason for that is there's only a
 16 specific type of bee, a honey bee, that you're
 17 allowed to have in these beekeeping hives. So
 18 that's the first part. And the 4-H component
 19 is to sort of mitigate the concerns of the
 20 elected officials who you all ultimately vote
 21 on that is who's sort of watching over this.
 22 And the answer is 4-H. And 4-H has always had
 23 programs for not only children, but young
 24 adults to either keep bees and have a 4-H

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1 project they bring to the county fair, or for
 2 educators to educate people on how to keep
 3 bees. So that's why we're comfortable with the
 4 4-H program. We've done 4-H certification for
 5 properties of 40,000 square feet for years.
 6 COMMISSIONER SCHULTZ: Okay, just to
 7 clarify. Thank you.
 8 COMMISSIONER KETTER: Okay. Then we'll
 9 close the hearing. What's the rest of the
 10 agenda?
 11 MR. HOSS: To close the hearing.
 12 COMMISSIONER KETTER: Any old business?
 13 I don't think so. Is there any new business?
 14 All right, then we will
 15 stand adjourned.
 16 (Which were all the
 17 proceedings
 18 had and testimony taken in
 19 the above-entitled cause.)
 20
 21
 22
 23
 24

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF DU PAGE)
4 I, LINDA M. CIOSEK, C.S.R.
5 No. 084-2892, duly qualified and commissioned
6 for the State of Illinois, County of DuPage, do
7 hereby certify that at the request of the DU
8 PAGE COUNTY ZONING BOARD OF APPEALS, subject to
9 the usual terms and conditions of Veritext,
10 reported in shorthand the proceedings had and
11 testimony taken at the public hearing of the
12 above-entitled cause, and that the foregoing
13 transcript is a true, correct and complete
14 report of the testimony so taken at the time
15 and place hereinabove set forth.
16
17
18 
19
20 CERTIFIED SHORTHAND REPORTER
21
22 My Commission Expires:
23 July 26, 2026.
24

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Blakely, Heidi

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Formstack Submission For: **PublicComment**

Submitted at 05/10/24 4:14 PM

Meeting Date: 04/16/24

Meeting: Zoning Board of Appeals

Name: Chris Geen

Organization: Single family home owner directly on Medinah Road

Address: 5N057 Medinah Road
Addison , IL 60101

Daytime Phone: (630) 363-2850

Subject: Medinah Road Residences

Comment: Subject: Strong Opposition to James Gray's Involvement in Medinah Road Development
Dear Committee Members and ZBA
I am writing to Strongly Oppose James Gray and his company (Medinah Road Development Company LLC's) involvement with the proposed development on Medinah Road for several crucial reasons that deeply concern myself and the community at large:

1. I share a property line directly with lot (5N061 Medinah Rd.) this lot is the furthest southern vacant lot in proposed development. If this is allowed I will have multiple 40 foot apartments starring down directly into and on my home. I fear and have sleepless nights considering what type of possible tenants this apartment development will attract to our peaceful neighborhood in today's environment. James Gray is trying to pull the wool over the counties eyes with his representation of this development, It takes on the feel of scattered sight apartment rental housing. We would have never built a new high end single family home here had we known this type of property would be allowed directly next to us.
2. Preservation of Community Character: The architectural renderings presented by James Gray are starkly out of character with the existing neighborhood. Many local residents, myself included, have expressed concerns that the proposed design resembles a penitentiary rather than a residential development.
3. Repeated Attempts and Exploitation: This is the third attempt by James Gray to push through his vision for these lots, despite previous unanimous denials from both Addison's Planning and Zoning Commission and the Village of Addison. Now, he is attempting to exploit a county program to circumvent local opposition, which is unacceptable.
4. Lack of Impact Studies: The petitioner has failed to provide any impact study to address concerns about potential negative effects on local property values. Additionally, the proposed development lacks support from neighboring towns like Bloomingdale and Addison, further highlighting its unsuitability.
5. Safety Concerns: Local fire departments have expressed safety concerns regarding the proposed development, raising alarms about potential risks to public safety.
6. Environmental and Health Risks: The large septic field system proposed for the development raises serious environmental and health concerns. Proposed Septic field will boarder directly with my lot. Given the area's susceptibility to flooding and soil conditions unsuitable for such systems, the risks are significant and must not be overlooked.
7. Traffic Impact: The petitioner has failed to provide a comprehensive traffic impact study, which is essential given the already overburdened state of local roads. Increased traffic from the development would worsen congestion and pose risks to public safety.
8. Legal Issues and Mismanagement Concerns: Public records reveal that James Gray has been involved in multiple legal issues related to past projects, raising concerns about potential mismanagement and incomplete developments. These issues could pose significant risks to the community.
9. Density and Overcrowding: The sole focus of the proposed development seems to be maximizing profit without regard for the existing community's concerns. The density of the development would diminish the privacy and spaciousness of the neighborhood, negatively impacting residents' quality of life.

Based on these concerns, and echoing the sentiments of 200 plus local residents who have consistently voiced their opposition, I urge you to unanimously deny approval of this project. Our community's well-being and character depend on it.

Sincerely,
Chris Geen

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