

1 BEFORE THE DU PAGE COUNTY
2 ZONING BOARD OF APPEALS

3 September recommendation Meeting.) Z24-053,
4 Z24-054, Z24-062.

5 September 5, 2024

6 5:30 p.m.

7 PROCEEDINGS HAD and testimony
8 taken before the DU PAGE COUNTY ZONING BOARD OF
9 APPEALS, taken at the DuPage County
10 Administration Building, 421 North County Farm
11 Road, Wheaton, Illinois, before LINDA M.
12 CIOSEK, C.S.R. a Notary Public qualified and
13 commissioned for the State of Illinois.

14 BOARD MEMBERS PRESENT:

15 MR. ROBERT KARTHOLL, Chairman.

16 MR. DENNIS MORAN, Commissioner.

17 MR. BARRY KETTER, Commissioner,

18 MR. JACK MURPHY, Commissioner.

19 MR. CARL SCHULTZ, Commissioner.

20 MR. ZAIN RAHMAN, Commissioner.

21 MR. JAMES JAROG, Commissioner.

22 ALSO PRESENT:

23 MS. JESSICA INFELISE DATZMAN, Planning &
24 Zoning.

 MR. PAUL HOSS, Planning & Zoning.

<p style="text-align: right;">Page 2</p> <p>1 CHAIRMAN KARTHOLL: Okay, let's come to 2 order. This is the DuPage County Zoning Board 3 of Appeals meeting for September 5. 4 The first item is to call 5 the meeting to order, so done. And then I will 6 not call a roll because I will indicate that 7 all members of the Zoning Board are here in 8 person. 9 Did we have public comments 10 to be included in the hearing this evening? 11 MS. INFELISE DATZMAN: None submitted 12 via online. 13 CHAIRMAN KARTHOLL: Okay. Then we have 14 a number of minutes to approve. Because there 15 are so many and there may be the possibility of 16 some discussion on any one of them, let's take 17 them individually. 18 So the first minutes to be 19 approved 24-06, the Sur Mac Builders case of 20 May 9, 2024. Is there a motion on that case to 21 approve the minutes? 22 COMMISSIONER SCHULTZ: Move to approve. 23 CHAIRMAN KARTHOLL: Mr. Schultz moves. 24 COMMISSIONER KETTER: Second that as</p>	<p style="text-align: right;">Page 4</p> <p>1 (Whereupon, all 2 Commissioners responded 3 aye.) 4 CHAIRMAN KARTHOLL: Any opposed? 5 (No response.) 6 CHAIRMAN KARTHOLL: Motion carries. You 7 know, this is a little tedious. I'm going to 8 reverse my opinion. Let's take a group. The 9 next -- I'll request a motion to approve the 10 minutes of the June recommendation meeting 11 which is June 6, 2024; the hearing on 24-014 12 All For His Glory, June 13th; and then the 13 hearing All For His Glory 24-014 meeting of 14 June 27, 2024. Is there a motion to approve 15 those three? 16 COMMISSIONER KETTER: Motion to approve 17 as presented. 18 COMMISSIONER MORAN: I'll second it. 19 CHAIRMAN KARTHOLL: Mr. Ketter, seconded 20 by Mr. Moran. 21 That takes us to the text -- 22 T-2 Amendment, Text Amendment hearing July 23 11th, 2024. I'll include Zoning 24-049, Falcon 24 Point, the hearing of July 16, 2024; and the</p>
<p style="text-align: right;">Page 3</p> <p>1 presented. 2 CHAIRMAN KARTHOLL: Mr. Ketter seconds. 3 Any discussion? 4 (No response.) 5 CHAIRMAN KARTHOLL: All in favor of the 6 motion, signify by saying aye. 7 (Whereupon all Commissioners 8 responded aye.) 9 CHAIRMAN KARTHOLL: Motion carries. Any 10 -- I'm sorry, any opposed? 11 (No response.) 12 CHAIRMAN KARTHOLL: None opposed, now 13 the motion carries. 14 The second is the minutes 15 for the T-1-24 text amendment, the hearing of 16 May 14, 2024. Is there a motion to approve 17 those minutes? 18 COMMISSIONER MORAN: I'll make a motion. 19 COMMISSIONER KETTER: Second to approve 20 as presented. 21 CHAIRMAN KARTHOLL: Discussion? 22 (No response.) 23 CHAIRMAN KARTHOLL: All in favor, 24 signify by saying aye.</p>	<p style="text-align: right;">Page 5</p> <p>1 Oburrdale case, Docket No. 24-044, meeting held 2 July 18th, 2024. Is there a motion to approve 3 those? 4 COMMISSIONER KETTER: Motion to approve 5 as presented. 6 COMMISSIONER MORAN: I'll second it. 7 CHAIRMAN KARTHOLL: Mr. Ketter, seconded 8 by Mr. Moran. 9 Is there any discussion on 10 the motion? 11 (No response.) 12 CHAIRMAN KARTHOLL: All in favor of the 13 motion, signify by saying aye. 14 (Whereupon, all 15 commissioners responded 16 aye.) 17 CHAIRMAN KARTHOLL: Any opposed? 18 (No response.) 19 CHAIRMAN KARTHOLL: The motion is 20 approved. 21 And then finally 24-053, the 22 XSite July 23rd, 2024 transcript; the August 23 recommendation meeting of August 1 transcript; 24 and finally Z24-053, the XSite hearing of</p>

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1 August 13, 2024.
 2 Is there a motion to approve
 3 those minutes?
 4 COMMISSIONER KETTER: Motion to approve
 5 as presented.
 6 CHAIRMAN KARTHOLL: Mr. Ketter makes the
 7 motion. Is there a second?
 8 COMMISSIONER MORAN: Second it.
 9 CHAIRMAN KARTHOLL: Mr. Moran makes the
 10 second.
 11 Is there any discussion on
 12 that motion or these minutes?
 13 (No response.)
 14 CHAIRMAN KARTHOLL: No discussion. All
 15 in favor of the motion, signify by saying aye.
 16 (Whereupon, all
 17 Commissioners responded
 18 aye.)
 19 CHAIRMAN KARTHOLL: Any opposed?
 20 (No response.)
 21 CHAIRMAN KARTHOLL: The motion carries.
 22 That takes us to our
 23 public hearing recommendation session. The
 24 first item on the agenda is 053, the XSite

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1 petition in Lisle township. So, I don't know
 2 who our -- do we have a member from Lisle
 3 Township? Jim, are you Lisle Township?
 4 COMMISSIONER JAROG: (Indicating.)
 5 CHAIRMAN KARTHOLL: Do you want to make
 6 a motion?
 7 COMMISSIONER JAROG: Yeah, I'd like to
 8 make a motion to approve Zoning 24-000053
 9 XSite.
 10 CHAIRMAN KARTHOLL: Okay, do you want to
 11 state any reasons, or leave that for
 12 discussion?
 13 COMMISSIONER JAROG: I'll leave that
 14 open to discussion.
 15 CHAIRMAN KARTHOLL: All right. Is there
 16 a second to approve?
 17 COMMISSIONER KETTER: Yeah, I'll second.
 18 I think they proved up the basis of a
 19 conditional use for a planned development on
 20 their presentation. I believe they met the
 21 conditions, so I would second that.
 22 CHAIRMAN KARTHOLL: Okay. Further
 23 discussion?
 24 Yeah, we had quite a bit of

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1 conversation about this case and a couple of
 2 hearings. There's a lot going on on that site,
 3 but after full discussion I think the
 4 petitioner met the burden, so I also would
 5 indicate that it's an appropriate motion to
 6 approve.
 7 Further discussion?
 8 (No response.)
 9 CHAIRMAN KARTHOLL: All right, I guess
 10 no further discussion. Call the roll on the
 11 motion to approve, please.
 12 MS. INFELISE DATZMAN: Member Jarog?
 13 COMMISSIONER JAROG: Aye.
 14 MS. INFELISE DATZMAN: Member Rahman?
 15 COMMISSIONER RAHMAN: Aye.
 16 MS. INFELISE DATZMAN: Member Schultz?
 17 COMMISSIONER SCHULTZ: Aye.
 18 MS. INFELISE DATZMAN: Member Murphy?
 19 COMMISSIONER MURPHY: Aye.
 20 MS. INFELISE DATZMAN: Member Moran?
 21 COMMISSIONER MORAN: Aye.
 22 MS. INFELISE DATZMAN: Member Ketter?
 23 COMMISSIONER KETTER: Aye.
 24 MS. INFELISE DATZMAN: Chairman

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1 Kartholl?
 2 CHAIRMAN KARTHOLL: Aye.
 3 Well, it's unanimous. We
 4 have 7 in favor and none opposed, and the
 5 matter will be forwarded to the County
 6 Development Committee with a favorable
 7 recommendation from this Board.
 8 That takes us to 05 Route
 9 53, a Bloomingdale Township case. I can't make
 10 a motion, so I'd ask someone to make a motion.
 11 COMMISSIONER KETTER: I'd make a motion.
 12 My motion would be denied. I believe this is
 13 really a variance to be approved before you
 14 move into the conditional use. You can't just
 15 cut the corner and go to a conditional use and
 16 say it's permitted in this area if you haven't
 17 gotten the variance. And the main problem,
 18 too, is I haven't seen a hardship laid out
 19 here. So, that would be my basis.
 20 CHAIRMAN KARTHOLL: So it's a motion to
 21 deny. Is there a second on the motion to deny?
 22 COMMISSIONER MORAN: I'll second it for
 23 the same reasons, and they said there was, you
 24 know -- it was going more industrial right

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1 there, but at that specific point if you really
 2 look there's more residential than there is
 3 commercial, so that's my case.
 4 CHAIRMAN KARTHOLL: Okay. Motion then
 5 to deny the rezoning request by Mr. Ketter,
 6 seconded by Mr. Moran.
 7 Any further discussion on
 8 the motion?
 9 (No response.)
 10 CHAIRMAN KARTHOLL: I'll indicate that I
 11 concur. There's no case made here for
 12 rezoning. There's no way that I think this is
 13 entirely unsuited to the current zoning based
 14 in large measure on my observation of the
 15 property, as well as the testimony from the
 16 neighbors in the residential area immediately
 17 surrounding it. This seems to me to be an
 18 effort to resolve some difficulties with the
 19 current use of the site.
 20 So, anybody else have a
 21 comment?
 22 (No response.)
 23 CHAIRMAN KARTHOLL: Call the roll on the
 24 motion to deny, please.

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1 MS. INFELISE DATZMAN: Member Ketter?
 2 COMMISSIONER KETTER: Aye.
 3 MS. INFELISE DATZMAN: Member Moran?
 4 COMMISSIONER MORAN: Aye.
 5 MS. INFELISE DATZMAN: Member Jarog?
 6 COMMISSIONER JAROG: Aye.
 7 MS. INFELISE DATZMAN: Member Rahman?
 8 COMMISSIONER RAHMAN: Aye.
 9 MS. INFELISE DATZMAN: Member Schultz?
 10 COMMISSIONER SCHULTZ: Aye.
 11 MS. INFELISE DATZMAN: Member Murphy?
 12 COMMISSIONER MURPHY: Abstain, I wasn't
 13 at the meeting.
 14 MS. INFELISE DATZMAN: Chairman
 15 Kartholl?
 16 CHAIRMAN KARTHOLL: Aye.
 17 The motion passes 6 in favor
 18 to deny and 1 abstention.
 19 That takes us to the Falcon
 20 Point Subdivision case, a Milton Township
 21 petition. This is a conditional use for
 22 planned development with various exceptions
 23 under the planned development. Is there a
 24 motion on this case?

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1 COMMISSIONER MORAN: I'd make a motion
 2 to approve. I think they gave us a good case,
 3 and if you look at the surrounding area, it
 4 just kind of makes sense. So, that's --
 5 COMMISSIONER MURPHY: I'll second it.
 6 CHAIRMAN KARTHOLL: Motion to approve by
 7 Mr. Moran, seconded by Mr. Murphy.
 8 We have some -- we have some
 9 routine conditions from the staff report that
 10 the property be developed in accordance with
 11 the site plan, that the owner is to apply for
 12 building permits. In conjunction with the
 13 submittal of building permits, the developer
 14 provides a landscape plan for partial landscape
 15 screens around the perimeter of the
 16 development, and the property be developed in
 17 accordance with all of the codes. That's our
 18 boiler plate stuff, and these are standard
 19 conditions that are included.
 20 COMMISSIONER MORAN: I should add that
 21 to my motion subject to the conditions.
 22 CHAIRMAN KARTHOLL: And same with you,
 23 Mr. Murphy?
 24 COMMISSIONER MURPHY: (Indicating.)

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1 CHAIRMAN KARTHOLL: Any discussions?
 2 Any discussion at all on this case?
 3 (No response.)
 4 CHAIRMAN KARTHOLL: No discussion?
 5 Well, then let's take a roll call vote on the
 6 -- well, I should just say I concur with your
 7 rationale that the case was well-presented and
 8 proved up.
 9 So, would you call the roll
 10 on the motion to approve?
 11 MS. INFELISE DATZMAN: Member Moran?
 12 COMMISSIONER MORAN: Aye.
 13 MS. INFELISE DATZMAN: Member Murphy?
 14 COMMISSIONER MURPHY: Aye.
 15 MS. INFELISE DATZMAN: Member Jarog?
 16 COMMISSIONER JAROG: Aye.
 17 MS. INFELISE DATZMAN: Member Rahman?
 18 COMMISSIONER RAHMAN: Aye.
 19 MS. INFELISE DATZMAN: Member Schultz?
 20 COMMISSIONER SCHULTZ: Aye.
 21 MS. INFELISE DATZMAN: Member Ketter?
 22 COMMISSIONER KETTER: Aye.
 23 MS. INFELISE DATZMAN: Chairman
 24 Kartholl?

1 CHAIRMAN KARTHOLL: Aye.
2 Again, it's a unanimous
3 decision. The motion passes and will go
4 forward with a favorable recommendation to the
5 County Development Committee.

6 And, then we have no further
7 cases to consider and I trust no old business
8 or new business, then we're ready to adjourn.
9 So, thank you very much.

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

Linda M. Ciosek

CERTIFIED SHORTHAND REPORTER

19
20
21
22 My Commission Expires:
23 July 26, 2026.
24

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Illinois Code of Civil Procedure

Article II, Part E

Rule 207, Signing and Filing Depositions

Signing and Filing Depositions

(a) Submission to Deponent; Changes; Signing.
Unless signature is waived by the deponent, the officer shall instruct the deponent that if the testimony is transcribed the deponent will be afforded an opportunity to examine the deposition at the office of the officer or reporter, or elsewhere, by reasonable arrangement at the deponent's expense, and that corrections based on errors in reporting or transcription which the deponent desires to make will be entered upon the deposition with a statement by the deponent that the reporter erred in reporting or transcribing the answer or answers involved. The deponent may not otherwise change either the form or substance of his or her answers. The deponent shall provide the officer with an electronic or physical address to which notice is to be sent when the transcript is available for examination and signing. When the deposition is fully transcribed, the officer shall deliver to the deponent, at the address supplied,

notice that it is available and may be examined at a stated place at stated times, or pursuant to arrangement. After the deponent has examined the deposition, the officer shall enter upon it any changes the deponent desires to make, with the reasons the deponent gives for making them. If the deponent does not appear at the place specified in the notice within 28 days after the mailing of the notice, or within the same 28 days make other arrangements for examination of the deposition, or after examining the deposition refuses to sign it, or after it has been made available to the deponent by arrangement it remains unsigned for 28 days, the officer's certificate shall state the reason for the omission of the signature, including any reason given by the deponent for a refusal to sign. The deposition may then be used as fully as though signed, unless on a motion to suppress under Rule 211(d) the court holds that the reasons given by the deponent for a refusal to sign require rejection of the deposition in whole or in part.

(b) Certification, Filing, and Notice of Filing.

(1) If the testimony is transcribed, the officer

shall certify within the deposition transcript that the deponent was duly sworn by the officer and that the deposition is a true record of the testimony given by the deponent. A deposition so certified requires no further proof of authenticity

(2) Deposition transcripts shall not be filed with the clerk of the court as a matter of course. The party filing a deposition shall promptly serve notice thereof on the other parties and shall file the transcript and any exhibits in the form and manner specified by local rule.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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