

BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

Conditional Use for Planned) 24-000014
Development for two uses on) All For His Glory
the subject property.)

April 11, 2024

6:00 p.m.

PROCEEDINGS HAD and testimony
the DU PAGE COUNTY ZONING BOARD OF
at the DuPage County
Building, 421 North County Farm
Illinois, before LINDA M.
a Notary Public qualified and
for the State of Illinois.

BOARD MEMBERS PRESENT:

MR. ROBERT KARTHOLL, Chairman.

MR. JACK MURPHY, Commissioner.

MR. DENNIS MORAN, Commissioner.

MR. BARRY KETTER, Commissioner.

MR. CARL SCHULTZ, Commissioner.

MS. JANICE ANDERSON, Commissioner.

MR. ZAIN RAHMAN, Commissioner.

<p>1 ALSO PRESENT:</p> <p>2 MS. JESSICA INFELISE DATZMAN, Planning &</p> <p>3 Zoning.</p> <p>4 MR. PAUL HOSS, Planning & Zoning.</p> <p>5 OFFICE OF ROBERT B. BERLIN,</p> <p>6 DuPAGE COUNTY STATE'S ATTORNEY, by</p> <p>7 MR. CONOR MC CARTHY</p> <p>8 Appeared on behalf of the Zoning</p> <p>9 Board of Appeals.</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>	Page 2	<p>1 CHAIRMAN KARTHOLL: I think we can come</p> <p>2 to order, please. Let's come to order and I'll</p> <p>3 call the case of 24-14, it's All For His Glory,</p> <p>4 LLC.</p> <p>5 This is a request for</p> <p>6 conditional use for a planned development for</p> <p>7 two uses on the subject property. The owner of</p> <p>8 the property is All For His Glory, LLC, and the</p> <p>9 property is located on Lake Street in Roselle,</p> <p>10 Bloomingdale Township. It's about 1 and 3/8</p> <p>11 acre serviced by well and septic. The matter</p> <p>12 was published in the Daily Herald on March 27,</p> <p>13 2024.</p> <p>14 I have objections from the</p> <p>15 Building Department that I presume have been</p> <p>16 made available to the petitioner, or can be,</p> <p>17 and then no other comments or remarks or</p> <p>18 objections from any authority with the</p> <p>19 exception of the Village of Hanover Park who</p> <p>20 has filed an informational letter.</p> <p>21 I also have two exhibits</p> <p>22 which I'll comment on later. One is a 2005</p> <p>23 survey, and the other is a hand-drawn site</p> <p>24 plan. So, Exhibit 1 and Exhibit 2 will be part</p>
<p>1 E X H I B I T S</p> <p>2 Marked</p> <p>3 Petitioner's Exhibits 1 and 2 5</p> <p>4</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>	Page 3	<p>1 of the record.</p> <p>2 (Whereupon, Petitioner's</p> <p>3 Exhibits 1 and 2 were</p> <p>4 admitted into evidence.)</p> <p>5 CHAIRMAN KARTHOLL: And then I'll ask</p> <p>6 the petitioner to identify himself. Who is the</p> <p>7 petitioner.</p> <p>8 MR. HOVDE: All For His Glory is the</p> <p>9 petitioner. Mr. Heidner is a member of the</p> <p>10 LLC. Michael Hovde, H-o-v-d-e, on behalf of</p> <p>11 the petitioner.</p> <p>12 CHAIRMAN KARTHOLL: Thank you. Would</p> <p>13 you raise your hands and be sworn in, please.</p> <p>14 (Whereupon, the oath was</p> <p>15 duly administered by the</p> <p>16 Notary.)</p> <p>17 CHAIRMAN KARTHOLL: Okay. First of all,</p> <p>18 just a brief comment, if it's likely that this</p> <p>19 is going to go forward, we're going to need an</p> <p>20 updated survey and a site plan that's not</p> <p>21 hand-drawn. I know hand-drawn plans are</p> <p>22 generally accepted by the Building Department,</p> <p>23 but that's because they go out and make</p> <p>24 inspections, but I think we're likely to need</p>

<p>1 new drawings. 2 With that, go right ahead 3 and proceed. 4 MR. HOVDE: So, first, thank you, Mr. 5 Chairman. I don't believe that the petitioner 6 or myself received a copy of the Building 7 Department's objections. 8 COMMISSIONER MURPHY: Speak louder, will 9 you please? 10 MR. HOVDE: Yeah, I don't believe that 11 we received a copy of the objections from the 12 Building Department. 13 CHAIRMAN KARTHOLL: Do you want to come 14 up here? 15 MR. HOVDE: Sure. 16 CHAIRMAN KARTHOLL: I mean you can stay 17 back there if you like. Well, it's briefly, 18 what I have in our file says this use currently 19 exists, appears to be graveled and the parking 20 -- and parking to the lot lines also may be 21 potentially parking on the septic field. So, 22 that's one reason we'll have to have new 23 surveys to delineate the parking and whatever 24 else.</p>	Page 6	<p>1 let the petitioner come speak. 2 CHAIRMAN KARTHOLL: Yeah. What's the 3 principal use? 4 MR. HEIDNER: I have a use -- the 5 building was originally, when I bought it, was 6 built by a man named Mariotini, who is a 7 general contractor. And when he built the 8 building, he had an office inside the building 9 which allowed, at the time when the building 10 was built, for one use for that rear lot. That 11 was him. 12 Now I bought the building; 13 he left. I have one use. So, I've been 14 written up a couple of times through the years, 15 because I've probably owned the building 20 16 years now, for having more than one person in 17 the back. So, how to rectify that is to get -- 18 CHAIRMAN KARTHOLL: Yeah, I know. Let 19 me ask you this: What is the principal use? 20 What do you use the building for in front? 21 MR. HEIDNER: In the front is an office 22 building. 23 CHAIRMAN KARTHOLL: And you have 24 tenants, or is it an office --</p>	Page 8
<p>1 MR. HOVDE: So, should we present some 2 information now and then we'll have to come 3 back with the survey, or should we -- 4 CHAIRMAN KARTHOLL: No, you can just 5 update. If there's no substantial changes, we 6 don't need a new public hearing, we'll just 7 have an updated survey. So you'll withdraw 8 this and substitute with an updated survey. 9 Same with the site plan. 10 MR. HOVDE: So the reason we're here 11 today is that this property had previously 12 received a violation for two uses on one 13 property, which is Section 37-800.8, which is 14 not allowed to have more than one use on a 15 zoning lot. So, it's our understanding that 16 parking or storing equipment or material in the 17 rear portion of the lot, if it's properly 18 screened, would be allowed if there was only 19 one tenant in the building, but a second tenant 20 is not allowed to do that because now you have 21 two uses in one lot. 22 CHAIRMAN KARTHOLL: Okay, tell us what 23 the use -- so the second use is parking? 24 MR. HOVDE: Is a contractor to -- I'll</p>	Page 7	<p>1 MR. HEIDNER: It's tenants, it's 2 multi-tenant. 3 CHAIRMAN KARTHOLL: Do you office there? 4 MR. HEIDNER: No, I don't have an office 5 there, but it's a multi-tenant building. It's 6 not one tenant. 7 CHAIRMAN KARTHOLL: So you own the 8 property and you rent out office space in the 9 building? 10 MR. HEIDNER: That's exactly correct. 11 CHAIRMAN KARTHOLL: And then you rent 12 parking spaces in the back? 13 MR. HEIDNER: Not parking spaces. The 14 first thing is there's not one car parked on 15 the septic field. 16 CHAIRMAN KARTHOLL: Wait, let's not 17 handle -- 18 MR. HEIDNER: That's part of your thing 19 is that there's a thing about parking. It has 20 nothing to with parking, it has to do with 21 storage. 22 CHAIRMAN KARTHOLL: Storage of what? 23 MR. HEIDNER: Materials. So in this 24 particular case, the tenant that I have is a</p>	Page 9

<p>1 brick -- is a brick layer or whatever-type 2 thing; okay, Vishard Masonry. He's been there 3 for about 15 years. He stores in that back 4 area those things you put up to stand on to put 5 bricks on, you know; extra stone, a tractor, 6 but none of it's on the septic field.</p> <p>7 CHAIRMAN KARTHOLL: Okay.</p> <p>8 MR. HEIDNER: So with that being said, 9 I'm trying to make it where I can have two 10 people use the back lot legally instead of one 11 person using the back lot legally.</p> <p>12 CHAIRMAN KARTHOLL: Does the contractor 13 rent office space in the building?</p> <p>14 MR. HEIDNER: Yes, that's part of the 15 deal. You have to have --</p> <p>16 CHAIRMAN KARTHOLL: How many other 17 tenants?</p> <p>18 MR. HEIDNER: Right now I only have him 19 and another tenant, and that's it. But nobody 20 parks back there because there's a chain link 21 fence that went from when I bought the building 22 --</p> <p>23 CHAIRMAN KARTHOLL: I get it, it's not 24 parking.</p>	<p>Page 10</p> <p>1 the front and has storage in the back, those 2 seem to be integrated uses to me.</p> <p>3 MR. HEIDNER: So, but watch this. Only 4 one -- so let's pretend I had three tenants 5 that were all in the construction business, I 6 am -- the way that this was done or written, I 7 am only allowed to let one tenant put stuff 8 back there. And what I'm trying to do is to 9 get two tenants to put stuff back there. So 10 let's talk about why. Because I can get more 11 money for the exact same space when I give 12 somebody a place to store materials.</p> <p>13 CHAIRMAN KARTHOLL: Yeah, well, that's 14 not -- that's an economic consideration.</p> <p>15 MR. HEIDNER: No, well that's the 16 purpose why I'm here.</p> <p>17 CHAIRMAN KARTHOLL: You should let Mr. 18 Hovde do the arguments.</p> <p>19 MR. HEIDNER: I wasn't arguing, I was 20 just explaining to you.</p> <p>21 CHAIRMAN KARTHOLL: I know you weren't 22 arguing like we're sitting around a coffee 23 table, but you're advancing an argument.</p> <p>24 MR. HEIDNER: Okay.</p>
<p>1 MR. HEIDNER: Yeah, but I'm just letting 2 you know this has nothing to do with parking, 3 this has to do with storage.</p> <p>4 CHAIRMAN KARTHOLL: Okay. So what else 5 do you have to tell us?</p> <p>6 MR. HEIDNER: That's all. I just want 7 to change it from one to two so I don't get in 8 trouble.</p> <p>9 CHAIRMAN KARTHOLL: Well, you got to 10 make the case for a conditional use, though.</p> <p>11 MR. HOVDE: So I think that if you go 12 through the -- he's not asking for a variation 13 in any permitted uses in the district, just the 14 only variation here is the only conditional use 15 is to have two uses.</p> <p>16 MR. HEIDNER: Instead of one.</p> <p>17 MR. HOVDE: But they would all be within 18 the permitted uses in B-1.</p> <p>19 CHAIRMAN KARTHOLL: Yeah, this is 20 interesting to me. If this were here on an 21 appeal instead of a petition, I think there 22 might -- well, I withdraw that.</p> <p>23 So, the uses, to the extent 24 that you have a contractor that rents space in</p>	<p>Page 11</p> <p>Page 13</p> <p>1 MR. HOVDE: Our understanding is that 2 the tenant would be allowed -- a contracting 3 tenant would be allowed to store materials back 4 there as a single tenant. Once there is a 5 second tenant there, they can't do that. So 6 he's asking for that conditional use. But no 7 change in any -- it's not an unpermitted use, 8 it's a permitted use, the only thing that's 9 wrong is that there's two people doing it 10 rather than one. So there wouldn't be any 11 change in impairing adequate light and air, 12 because it is a permitted use.</p> <p>13 It wouldn't increase hazard 14 from fire or other dangers. It's not in the 15 building, it's exterior.</p> <p>16 It wouldn't diminish the 17 value of lands and buildings. There was a 18 comment that it would increase value.</p> <p>19 Unduly increasing traffic 20 congestion: The tenant is already there, and 21 again, it's a permitted use, it's just a 22 question of whether they can store items.</p> <p>23 Not increasing the potential 24 for flood damages. It's storage, not a</p>

<p>1 construction or altering the ground. 2 Incurring additional public 3 expense for fire protection, rescue or relief. 4 It's nothing that's interior, or otherwise 5 impair public health, safety, comfort, morals 6 or general welfare or creating a nuisance. 7 Again, it's a permitted use, it's just a 8 question that two people would be able to do it 9 rather than one. 10 CHAIRMAN KARTHOLL: So one of your 11 office tenants is a contractor you said, and 12 presumably a construction contractor of some 13 kind? 14 MR. HEIDNER: Yes. 15 CHAIRMAN KARTHOLL: What's the other 16 tenant? 17 MR. HEIDNER: No, no, one. I'm trying 18 to get it to two. 19 CHAIRMAN KARTHOLL: Well, who will be -- 20 so you now have only one? 21 MR. HEIDNER: One, and I'm getting it to 22 two. 23 CHAIRMAN KARTHOLL: Do you have a 24 proposed tenant?</p>	<p>Page 14</p> <p>1 MR. HEIDNER: Adult Fun. It's a 2 photography studio. 3 CHAIRMAN KARTHOLL: F-u-n or f-u-n-d? 4 MR. HEIDNER: F-u-n. It's a photography 5 studio. 6 CHAIRMAN KARTHOLL: It's a photography 7 studio? 8 MR. HEIDNER: It's what's called a 9 photography studio. 10 CHAIRMAN KARTHOLL: What does that mean? 11 What do you mean it's called a photography 12 studio? 13 MR. HEIDNER: It's called a photography 14 studio, I don't know how to explain that better 15 than that. 16 CHAIRMAN KARTHOLL: What do they do? 17 MR. HEIDNER: They take pictures of 18 people that go in there for pictures. 19 CHAIRMAN KARTHOLL: Okay, so if I wanted 20 to have my kid's graduation pictures, that's 21 the place I would go? 22 MR. HEIDNER: I guess you could go there 23 and they would take their picture. 24 CHAIRMAN KARTHOLL: Okay.</p>
<p>1 MR. HEIDNER: No, but I can't -- so, if 2 I went to go rent the building -- 3 CHAIRMAN KARTHOLL: I get it. 4 MR. HOVDE: The question is who is the 5 other tenant in the building, not the 6 contractor. 7 CHAIRMAN KARTHOLL: Yeah, right. 8 MR. HEIDNER: I'm just saying to you 9 that I'm trying to get it -- 10 CHAIRMAN KARTHOLL: I understand what 11 you're trying to get. 12 MR. HEIDNER: Okay. 13 CHAIRMAN KARTHOLL: Here's what I'm 14 trying to get: I need to get some kind of a 15 picture of how many people occupy space, how 16 many cars, what's the traffic? 17 MR. HEIDNER: Right now I only have two. 18 CHAIRMAN KARTHOLL: Two what? 19 MR. HEIDNER: Tenants. Two tenants. I 20 only have two tenants. 21 CHAIRMAN KARTHOLL: What do they do? 22 MR. HEIDNER: One's a bricklayer and 23 one's the Adult Fun Place. 24 CHAIRMAN KARTHOLL: The what?</p>	<p>Page 15</p> <p>1 MR. HEIDNER: You're killing me. 2 CHAIRMAN KARTHOLL: Well, I'm trying to 3 -- 4 MR. HEIDNER: Let me ask you a question: 5 How long, sir, have you lived in DuPage County? 6 CHAIRMAN KARTHOLL: Well, that is -- 7 MR. HEIDNER: There you go. 8 CHAIRMAN KARTHOLL: It's a good thing 9 I'm not a lady because effectively you're 10 asking my age, -- because I've lived here all 11 my life. 12 MR. HEIDNER: No, I've lived there for 13 33 years. 14 CHAIRMAN KARTHOLL: Well, I've lived 15 here for longer than that. 16 MR. HEIDNER: See, there you go. 17 CHAIRMAN KARTHOLL: I've been on the 18 Zoning Board longer than that. 19 How many employees occupy 20 the office space? 21 MR. HEIDNER: I have no clue, three? 22 CHAIRMAN KARTHOLL: How many cars are 23 there during the course of the day? 24 MR. HEIDNER: I can't tell you, sir, I</p>

<p style="text-align: right;">Page 18</p> <p>1 never counted, and I've owned the building 20 2 years.</p> <p>3 MR. HOVDE: At any one time?</p> <p>4 CHAIRMAN KARTHOLL: I'm trying to get an 5 idea about the daily in and out traffic and 6 what the -- and how the office relates to the 7 storage in the back. And I'm going to ask you 8 about the back. When are deliveries made from 9 the back, when are deliveries made to the back 10 area?</p> <p>11 MR. HEIDNER: That would be during 12 business hours during the day.</p> <p>13 CHAIRMAN KARTHOLL: And how often?</p> <p>14 MR. HEIDNER: Not even once a week.</p> <p>15 CHAIRMAN KARTHOLL: For the bricklayer 16 guy?</p> <p>17 MR. HEIDNER: Both of them.</p> <p>18 CHAIRMAN KARTHOLL: Both of them.</p> <p>19 MR. HEIDNER: It's not like it's a thing 20 where people are in and out every day, it's A 21 storage area.</p> <p>22 CHAIRMAN KARTHOLL: Maybe I don't 23 understand. The storage area in the back you 24 said is storage materials for a brick</p>	<p style="text-align: right;">Page 20</p> <p>1 storage for an office tenant when there's 2 another tenant in the building.</p> <p>3 CHAIRMAN KARTHOLL: Yeah, right.</p> <p>4 MR. HOVDE: If it's a single tenant, our 5 understanding is they're allowed to have the 6 storage. Once there's another tenant in the 7 building, there's no outdoor storage allowed.</p> <p>8 CHAIRMAN KARTHOLL: Okay. And whose 9 interpretation of the Ordinance is that, the 10 State's Attorney's office?</p> <p>11 MR. HOVDE: Well, there was a citation 12 made from the County, and I believe the State's 13 Attorney's Office concurred with that because 14 there was, you know, a fine paid.</p> <p>15 (Whereupon, Commissioner 16 Anderson entered the 17 hearing.)</p> <p>18 MR. HOVDE: In October, I believe.</p> <p>19 CHAIRMAN KARTHOLL: Of this year? But 20 it's relatively current?</p> <p>21 MR. HOVDE: In the last 12 months, yes.</p> <p>22 CHAIRMAN KARTHOLL: Okay. What about 23 the other members of the Board, any questions?</p> <p>24 COMMISSIONER MORAN: No.</p>
<p style="text-align: right;">Page 19</p> <p>1 contractor, and what is stored is related to 2 the brick business, brick layer's business or 3 brick contractors' business?</p> <p>4 MR. HEIDNER: Correct.</p> <p>5 CHAIRMAN KARTHOLL: Is there also 6 currently storage in the back --</p> <p>7 MR. HEIDNER: No.</p> <p>8 CHAIRMAN KARTHOLL: -- for the 9 photography guy?</p> <p>10 MR. HEIDNER: No, I'm only allowed one.</p> <p>11 CHAIRMAN KARTHOLL: Well, then why did 12 you get a red tag?</p> <p>13 MR. HEIDNER: I didn't get a red tag.</p> <p>14 CHAIRMAN KARTHOLL: Okay.</p> <p>15 MR. HEIDNER: I didn't get a red tag, 16 there's no red tag on that property.</p> <p>17 CHAIRMAN KARTHOLL: Okay.</p> <p>18 MR. HOVDE: I think to clarify there was 19 previously a citation for having more than one 20 use on the property.</p> <p>21 MR. HEIDNER: Which I've gotten three 22 times over 30 years.</p> <p>23 MR. HOVDE: And our understanding is 24 that the more than one use is allowing outdoor</p>	<p style="text-align: right;">Page 21</p> <p>1 CHAIRMAN KARTHOLL: Barry?</p> <p>2 COMMISSIONER KETTER: No.</p> <p>3 CHAIRMAN KARTHOLL: Nobody has 4 questions. Let me find out -- I'll come back 5 to you in a minute, but let me ask for comments 6 from the members of the audience.</p> <p>7 And here's -- if anybody 8 wants to make a comment or ask a question, you 9 have to be sworn in, state your name and 10 address, spell your name for the record, and 11 then tell us your comment in just a few 12 minutes.</p> <p>13 Now, with that, does anyone 14 have any comments that they want to make? One 15 person? Two people? Three people? Okay, 16 would you all raise your hands and be sworn in, 17 please.</p> <p>18 (Whereupon, the oath was 19 duly administered by the 20 Notary.)</p> <p>21 COMMISSIONER KETTER: We're up to four.</p> <p>22 CHAIRMAN KARTHOLL: I'm sorry, I didn't 23 see your hand.</p> <p>24 Who would like to go first?</p>

<p style="text-align: right;">Page 22</p> <p>1 MS. KIRSCH: I'll go first. 2 CHAIRMAN KARTHOLL: Go right ahead. 3 MS. KIRSCH: I'm Trudy Kirsch, and I'm 4 part owner of 6N269 Wheaton Road. 5 COMMISSIONER ANDERSON: Can you stand 6 up? I can't hear her. Louder. 7 MS. KIRSCH: I can talk louder, I'm a 8 teacher. 9 CHAIRMAN KARTHOLL: Can you spell your 10 last name, please? 11 MS. KIRSCH: K-i-r-s-c-h. 12 CHAIRMAN KARTHOLL: And where is your 13 property? You live at this property that you 14 just described? 15 MS. KIRSCH: No, my son and his family 16 live there. Our name is also -- I live -- my 17 residence is 275 Thrasher Street. 18 CHAIRMAN KARTHOLL: And where is -- you 19 have a property that is close to this parcel? 20 MS. KIRSCH: Yes, we back up to it, 21 6N269 Wheaton Road. 22 CHAIRMAN KARTHOLL: Okay, and then what 23 are your comments? 24 MS. KIRSCH: Well, I'm surprised to hear</p>	<p style="text-align: right;">Page 24</p> <p>1 to see what's going to happen with this, 2 because we're not always pleased with what we 3 think is going on there. 4 CHAIRMAN KARTHOLL: Okay. Do you have 5 any objections to this petition, or support for 6 this petition? 7 MS. KIRSCH: The petition, I believe, is 8 just asking for storage for a brick contractor, 9 and I have no objection to that. As far as I 10 am concerned, I think it would be fantastic if 11 the entire parking lot was taken up with 12 contractor materials. 13 CHAIRMAN KARTHOLL: Okay, thanks. 14 Now, these two people. 15 Next, please? Name and address? 16 MS. TOTH: Nicole and Lorian Toth, we 17 live at 6N257 Wheaton. We share a property 18 line with this property. 19 THE COURT REPORTER: Can you spell your 20 last name, please. 21 MS. TOTH: Toth, T-o-t-h. My question 22 is what is the second tenant, the 23 non-bricklayer, going to be storing back there? 24 MR. HEIDNER: So -- I'm sorry.</p>
<p style="text-align: right;">Page 23</p> <p>1 that it's a photography studio because I did 2 look up 24W713 Lake Street, and when -- I 3 looked on Google, and their description said 4 they were a livestock producer. So, I didn't 5 know that they were a photography studio. 6 CHAIRMAN KARTHOLL: Well, you're not 7 suggesting there's livestock being produced at 8 this property? 9 MS. KIRSCH: I don't know, Google said 10 it was livestock. 11 CHAIRMAN KARTHOLL: Well, we all have to 12 bow down to Google. Whatever Google says is -- 13 MS. KIRSCH: I know, that's why I 14 thought I would mention that. It is called 15 Picture Perfect of Rose. That's what the 16 building is called, according to Google, when I 17 went to 24W713. 18 So, my only comment is this: 19 It's a little questionable about the activity 20 that goes on at 24W713. I didn't realize there 21 was an owner and then two other tenants, so I'm 22 glad to know that. And I'm glad we're having 23 this, because our property does back up, we can 24 see the back of the building, and I'm curious</p>	<p style="text-align: right;">Page 25</p> <p>1 CHAIRMAN KARTHOLL: What is going to be 2 stored back there? 3 MS. TOTH: Yeah. So right now there's 4 -- well, there have been a lot of things back 5 there in the past. There have been piles of 6 logs, there have been cars parked. Both of 7 those things were over the property line for a 8 while, and then I had some communications with 9 Mr. Heidner, and they eventually moved the 10 stuff off the property line. So that was 11 fixed, but I'm just wondering since we've got 12 the Adult Fun place, which I think is a massage 13 parlor, and then the other tenant is a 14 bricklayer, if we open this up to two uses for 15 the back lot only, if I understand it 16 correctly? 17 MR. HEIDNER: Correct. 18 MS. TOTH: What is the massage parlor 19 going to put back there? 20 MR. HEIDNER: It wouldn't be the massage 21 parlor putting anything back there. 22 So as an example, let's say 23 there was a roofer that wanted to rent an 24 office out of the building, and --</p>

<p style="text-align: right;">Page 26</p> <p>1 COMMISSIONER ANDERSON: Mr. Chairman, 2 can you -- I'm sorry, I cannot hear. Can you 3 take your hands away from your mouth so I could 4 hear you, please?</p> <p>5 MR. HEIDNER: I apologize.</p> <p>6 COMMISSIONER ANDERSON: Thank you.</p> <p>7 MR. HEIDNER: Let's say a roofer wanted 8 to rent an office in the building, the roofer 9 would be allowed to store roofing materials 10 back there, as an example. So, instead of one 11 use, I would be allowed two uses.</p> <p>12 CHAIRMAN KARTHOLL: Okay, let me stop 13 you for a second. We don't do sort of 14 prospective proforma zoning conditional uses. 15 If you have two tenants and you propose two 16 tenants, we will consider that. But, we're not 17 going to consider two uses for some second 18 hypothetical possible future use.</p> <p>19 MR. HEIDNER: There are permitted uses 20 on the property. As long as -- let's say that 21 list is ten different people; okay?</p> <p>22 CHAIRMAN KARTHOLL: That's not the way 23 -- okay, okay, that's fine, I understand your 24 argument.</p>	<p style="text-align: right;">Page 28</p> <p>1 CHAIRMAN KARTHOLL: No, no, the Zoning 2 Ordinance.</p> <p>3 MS. TOTH: I see.</p> <p>4 CHAIRMAN KARTHOLL: So did you want to 5 be next, sir?</p> <p>6 MR. TOTH: I am in concert with my wife 7 and our neighbor here, so -- as she mentioned, 8 we share a property line with this gentleman 9 and we've kind of seen what has been stored 10 there in the past. We had to deal with it 11 before, and yes, after some time he's cleaned 12 it up, he's moved everything off of our 13 property. Whatever was stored there before 14 spilled onto our property, and we're just 15 concerned it might happen again.</p> <p>16 CHAIRMAN KARTHOLL: Okay. So, before I 17 go to the last lady, before I go on to the next 18 commenter from the audience, I'm a little 19 intrigued that there was a reference made to 20 the fact that there is a massage parlor there, 21 and you concurred with that. Is that --</p> <p>22 MR. HEIDNER: I didn't concur with it. 23 All I can tell you --</p> <p>24 CHAIRMAN KARTHOLL: Okay. Well, I'll</p>
<p style="text-align: right;">Page 27</p> <p>1 MR. HOVDE: Mr. Chair, I guess to 2 clarify, there was a violation by the County 3 saying this is considered a second use because 4 there's two tenants in the building. So he is 5 seeking permission for the bricklayer to stay 6 as a tenant and to store equipment outside. 7 The County's position has been consistently 8 that we need zoning relief in order to store 9 materials for the existing tenant.</p> <p>10 CHAIRMAN KARTHOLL: Okay. But this is a 11 conditional use for a planned development, so 12 we need some precision about what that is going 13 to be, not well I'd like to have two tenants, 14 and whoever they are will be determined in the 15 future.</p> <p>16 Did you have a brief 17 follow-up comment, because I don't usually go 18 back?</p> <p>19 MS. TOTH: I'm sorry, it was a question. 20 What are the permitted uses for the property?</p> <p>21 CHAIRMAN KARTHOLL: Well, I can't get 22 into that because it's out -- it's a list 23 that's outlined in the Ordinance, so you can --</p> <p>24 MS. TOTH: It's in here?</p>	<p style="text-align: right;">Page 29</p> <p>1 read the transcript to decide whether I'm right 2 or not.</p> <p>3 MR. HEIDNER: Okay, you do that.</p> <p>4 CHAIRMAN KARTHOLL: But it seemed to me 5 that you said with respect to the massage 6 parlor, the inference being you concurred 7 there's a massage parlor. Adult Fun probably 8 sounds like a name that's more consistent with 9 a massage parlor than the photo studio that you 10 suggested I take my kids to for my graduation 11 pictures.</p> <p>12 MR. HEIDNER: I didn't do that either, 13 sir.</p> <p>14 CHAIRMAN KARTHOLL: Okay, I'll read the 15 transcript.</p> <p>16 MR. HEIDNER: You read it. All I can 17 tell you is one thing: Anything that's on that 18 property is a permitted use within the zoning 19 for DuPage County.</p> <p>20 CHAIRMAN KARTHOLL: Okay. And I'll just 21 say again that's not the way we deal with 22 conditional uses for planned developments. We 23 talk about time limits, number of cars, where 24 employees park, where the garbage disposals</p>

<p style="text-align: right;">Page 30</p> <p>1 are. So there is great precision when we grant 2 a conditional use, not anything that's 3 permitted.</p> <p>4 So, who is -- I didn't see a 5 person in the back.</p> <p>6 COMMISSIONER KETTER: No.</p> <p>7 CHAIRMAN KARTHOLL: Then you're the last 8 commenter.</p> <p>9 MS. RUGG: I have nothing to do with the 10 Zoning, I'm just here to express my feelings 11 about DuPage County.</p> <p>12 CHAIRMAN KARTHOLL: Well, we're not 13 interested in your feelings about that.</p> <p>14 MS. RUGG: Well, I have serious --</p> <p>15 CHAIRMAN KARTHOLL: No, no.</p> <p>16 MS. RUGG: Serious flooding taking place 17 where you cannot --</p> <p>18 CHAIRMAN KARTHOLL: I'm only going to 19 take testimony that's related to the zoning 20 petition that's before us.</p> <p>21 MS. RUGG: Okay. Well, could you see 22 this some other time? I just want people to 23 see.</p> <p>24 CHAIRMAN KARTHOLL: I'm not in charge of</p>	<p style="text-align: right;">Page 32</p> <p>1 MS. RUGG: Sure. My name is Karen Rugg, 2 R-u-g-g, and I've been here -- my grandfather 3 bought two acres 77 years ago, and I'm not 4 allowed to walk down clean streets?</p> <p>5 CHAIRMAN KARTHOLL: Do you know the 6 address?</p> <p>7 MS. RUGG: My address or this address?</p> <p>8 CHAIRMAN KARTHOLL: Your address.</p> <p>9 MS. RUGG: My address is 122 West George 10 Street.</p> <p>11 CHAIRMAN KARTHOLL: Okay, thank you very 12 much.</p> <p>13 MS. RUGG: In Itasca, Illinois.</p> <p>14 CHAIRMAN KARTHOLL: Thanks.</p> <p>15 MS. RUGG: And if anybody could help me, 16 these are nurses' cars.</p> <p>17 CHAIRMAN KARTHOLL: I'm sympathetic, but 18 --</p> <p>19 MS. RUGG: Okay. Well, I'm glad I told 20 you anyway.</p> <p>21 COMMISSIONER KETTER: Go see Mayor Pruyn 22 in Itasca.</p> <p>23 MS. RUGG: No, I have him right here. 24 Right here is Mayor Pruyn. Excuse me, are you</p>
<p style="text-align: right;">Page 31</p> <p>1 that.</p> <p>2 MS. RUGG: This lady here knows from 3 water management.</p> <p>4 CHAIRMAN KARTHOLL: Let me tell you, I 5 want to know your name and address and spell 6 your name so that I know who I'm not permitting 7 to speak about extraneous issues.</p> <p>8 MS. RUGG: Okay, is there anybody in a 9 civil engineer manner that could help me out of 10 this -- outside of this room?</p> <p>11 CHAIRMAN KARTHOLL: I have no idea. I'm 12 not sufficiently knowledgeable to give you 13 guidance, but it seems to me that you've got 14 pictures of flooding, that sounds like a 15 Stormwater Department issue.</p> <p>16 MS. RUGG: But I've been to Jim Zay 17 many, many -- I've been coming here for ten 18 years.</p> <p>19 CHAIRMAN KARTHOLL: Can we start with 20 your --</p> <p>21 MS. RUGG: This lady called me from 22 Spain one time.</p> <p>23 CHAIRMAN KARTHOLL: That was nice of 24 her. Can we have your name and address?</p>	<p style="text-align: right;">Page 33</p> <p>1 Ketter from Itasca? There was a Ketter in 2 Itasca. Here's Mayor Pruyn in the picture.</p> <p>3 COMMISSIONER KETTER: That was my 4 mother, you didn't have flooding then.</p> <p>5 MS. RUGG: Thank you.</p> <p>6 COMMISSIONER KETTER: You can comment 7 after. We have public comment.</p> <p>8 CHAIRMAN KARTHOLL: Barry. We do not 9 have public comment tonight. We have public 10 comment about this case right now, and that is 11 over.</p> <p>12 So let's get back to Mr. 13 Hovde. How do you want to go forward?</p> <p>14 MR. HOVDE: Well, we need that -- I 15 think you suggested we need an updated survey 16 because the existing one is too old, and a 17 redrawing of the site plan. So, if we're 18 submitting a redrawing of the site plan, that 19 would have the specifics you spoke about about 20 what exactly the conditional use is looking 21 for. I think it's pretty clear they're looking 22 for a conditional use for what's already being 23 done on the current tenant, so I think we would 24 be coming back with that.</p>

<p style="text-align: right;">Page 34</p> <p>1 CHAIRMAN KARTHOLL: Do you want to have 2 another public hearing?</p> <p>3 MR. HOVDE: Do we need a public hearing?</p> <p>4 CHAIRMAN KARTHOLL: That's up to you.</p> <p>5 It's not -- we don't have a particularly clear 6 record, or maybe we do and I'm just missing it.</p> <p>7 Does anybody have any view 8 on this? Do you feel that we have a 9 sufficiently clear record to give fair 10 consideration to this case, or do we need more 11 detail?</p> <p>12 COMMISSIONER KETTER: We need more 13 detail if he wants to prove his case up.</p> <p>14 MR. HOVDE: All right, then another 15 hearing.</p> <p>16 CHAIRMAN KARTHOLL: Can we have a date 17 for a follow-up hearing?</p> <p>18 MS. INFELISE DATZMAN: We have all 19 Thursdays in May available, except the next 20 available one is May 9th.</p> <p>21 CHAIRMAN KARTHOLL: May 9th okay?</p> <p>22 MR. HEIDNER: How can I get the survey 23 done that quick?</p> <p>24 MR. HOVDE: We may not be able to get</p>	<p style="text-align: right;">Page 36</p> <p>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.</p> <p>16</p> <p>17</p> <p>18 <i>Linda M. Ciosek</i></p> <p>19</p> <p>20 CERTIFIED SHORTHAND REPORTER</p> <p>21</p> <p>22 My Commission Expires: 23 July 26, 2026.</p> <p>24</p>
<p style="text-align: right;">Page 35</p> <p>1 the survey.</p> <p>2 CHAIRMAN KARTHOLL: Let's push it to 3 near the end of --</p> <p>4 MR. HEIDNER: Or June.</p> <p>5 CHAIRMAN KARTHOLL: Do you want to do it 6 in June?</p> <p>7 MR. HEIDNER: Only because --</p> <p>8 MS. INFELISE DATZMAN: June 13th?</p> <p>9 CHAIRMAN KARTHOLL: Perfect. We'll set 10 the matter for June 13th, 6:00 in this room, 11 and we'll close for this evening.</p> <p>12 Thank you very much, 13 Everyone.</p> <p>14 (Which were all the 15 proceedings had and 16 testimony taken in the 17 above-entitled cause.)</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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