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BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

December recommendation meeting)

December 5, 2024

5:30 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. BARRY KETTER, Commissioner.

MR. JACK MURPHY, Commissioner.

MR. CARL SCHULTZ, Commissioner.

ALSO PRESENT:

MS. JESSICA INFELISE DATZMAN, Planning &
Zoning, via Zoom.

MR. PAUL HOSS, Planning & Zoning.

<p style="text-align: right;">Page 2</p> <p>1 CHAIRMAN KARTHOLL: This is the DuPage 2 County Zoning Board of Appeals. We're here 3 this evening to conduct our December 5 zoning 4 meeting. The first item is to officially call 5 the meeting to order, and then I don't need to 6 take a roll call vote, I'll indicate for the 7 record that all members are present with the 8 exception of Mr. Rahman and Mr. Jarog. 9 The next item is to indicate 10 whether there is any public comment tonight. 11 Who knows that? 12 MR. HOSS: I do. There is none. 13 CHAIRMAN KARTHOLL: No public comment. 14 Then I have the minutes of several meetings 15 which have been presented to the Board in 16 advance. The first is the -- I think I'll take 17 these as a group unless there's corrections on 18 any then I'll take individual motions. 19 But to begin with, we'll 20 take a group motion on the September 21 recommendation meeting of September 5, the 22 Zoning 059 Construction Solutions minutes of 23 September 26th, the October recommendation 24 meeting conducted October 3, 068 Penny's Place</p>	<p style="text-align: right;">Page 4</p> <p>1 Penny's Place petition which is 068 Penny's 2 Place, a Milton Township case. This is a 3 request for a conditional use to allow a video 4 gaming cafe restaurant in a B-1 Local Business 5 Zoning District. 6 Can I have a motion on that 7 case? 8 COMMISSIONER KETTER: I'd move to 9 approve. It's an existing business that, due 10 to our Ordinance change, they had to come in. 11 They proved up the elements necessary for the 12 conditional use, and as such I would move to 13 approve. 14 COMMISSIONER MORAN: I'll second it. 15 CHAIRMAN KARTHOLL: Motion by Mr. 16 Ketter, seconded by Mr. Moran. 17 Any discussion on that 18 motion? 19 (No response.) 20 CHAIRMAN KARTHOLL: Give me just a 21 second, I thought I had -- the conditional use 22 is for five years, I'll note that for the 23 record. So I guess if there's no discussion, 24 who's calling the roll?</p>
<p style="text-align: right;">Page 3</p> <p>1 meeting conducted October 17, 067 Dr. Smoke 2 meeting conducted October 24, 074 Biagio Land 3 Corporation meeting conducted November 14, and 4 068 the Penny's Place meeting which was 5 conducted November 21, all 2024. 6 Is there a motion to approve 7 these minutes? 8 COMMISSIONER KETTER: Motion to approve 9 as presented. 10 COMMISSIONER MURPHY: Second. 11 CHAIRMAN KARTHOLL: Motioned by Mr. 12 Ketter, seconded by Mr. Murphy. Is there any 13 discussion on the motion? 14 (No response.) 15 CHAIRMAN KARTHOLL: In that event, all 16 in favor of the motion please signify by saying 17 aye. 18 (Whereupon, all 19 commissioners 20 responded aye.) 21 CHAIRMAN KARTHOLL: Any opposed? 22 (No response.) 23 CHAIRMAN KARTHOLL: The motion carries. 24 That takes us to the</p>	<p style="text-align: right;">Page 5</p> <p>1 MR. HOSS: I will. Mr. Ketter? 2 COMMISSIONER KETTER: Aye. 3 MR. HOSS: Mr. Moran? 4 COMMISSIONER MORAN: Aye. 5 MR. HOSS: Mr. Murphy? 6 COMMISSIONER MURPHY: Aye. 7 MR. HOSS: Mr. Schultz? 8 COMMISSIONER SCHULTZ: Aye. 9 MR. HOSS: Mr. Kartholl? 10 CHAIRMAN KARTHOLL: Aye. 11 The motion passes by a vote 12 of 5 in favor and none opposed. 13 That takes us to the Biagio 14 Land Corporation case, a Milton Town -- sorry, 15 a Bloomingdale Township case. Can I have a 16 motion on this matter? 17 COMMISSIONER KETTER: I would move to 18 approve based on the presentation of the 19 surrounding property, the uses therein, and the 20 other elements they proved up. They proved the 21 basis to change it from B-1 to B-2. 22 CHAIRMAN KARTHOLL: Second on that 23 motion? 24 COMMISSIONER MURPHY: I second it.</p>

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1 CHAIRMAN KARTHOLL: Mr. Ketter makes the
 2 motion, Mr. Murphy seconds the motion. Is
 3 there any discussion?
 4 COMMISSIONER MORAN: These were -- these
 5 motions, we're all basing this on the four
 6 conditions, correct, that I see?
 7 CHAIRMAN KARTHOLL: Well, yeah, they're
 8 all standard conditions, though, so I mean the
 9 property would be developed in accordance with
 10 all other codes and ordinances. That's our
 11 usual --
 12 COMMISSIONER MORAN: The only one I was
 13 a little concerned with was the fire --
 14 Bloomingdale Fire Protection, so as long as
 15 they follow the conditions I'm good.
 16 CHAIRMAN KARTHOLL: Mr. Hoss, remarks?
 17 MR. HOSS: Just a clarification on
 18 number three condition, that should be a full
 19 landscape plan, not a partial.
 20 CHAIRMAN KARTHOLL: So this is a
 21 typographical error? Yeah, why would it say
 22 partial. I'm sorry, I didn't catch that.
 23 MR. HOSS: It's adjacent to residential,
 24 so that requires full landscape.

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1 CHAIRMAN KARTHOLL: Right. Okay. Well,
 2 with that amendment on condition three
 3 indicating a full landscape plan -- this is an
 4 interesting -- I think I made this comment at
 5 the hearing that the development here, the
 6 trend of development condition was testified to
 7 by both Mr. Armstrong in argument and Mr. Abel.
 8 There hasn't been much development, so the
 9 trend of development suggests to me that it's
 10 something that is relatively new. But this
 11 development has trended a long time ago along
 12 Lake Street. I only make that as sort of an
 13 academic observation, it doesn't change my
 14 view, and I don't think it changes anything
 15 that the petitioner is required to have proved
 16 up.
 17 Anything else?
 18 (No response.)
 19 CHAIRMAN KARTHOLL: Well, I guess we're
 20 ready to take a roll call vote on the motion to
 21 approve.
 22 MR. HOSS: Mr. Ketter?
 23 COMMISSIONER KETTER: Aye.
 24 MR. HOSS: Mr. Murphy?

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1 COMMISSIONER MURPHY: Aye.
 2 MR. HOSS: Mr. Schultz?
 3 COMMISSIONER SCHULTZ: Aye.
 4 MR. HOSS: Mr. Moran?
 5 COMMISSIONER MORAN: Aye.
 6 MR. HOSS: Mr. Kartholl?
 7 CHAIRMAN KARTHOLL: Aye.
 8 And the motion passes by a
 9 vote of 5 and none opposed.
 10 I'll indicate that there is
 11 no old business to be considered. Well, there
 12 are no further recommendations to be
 13 considered.
 14 I'll indicate there's no old
 15 business or new business, so we're ready to
 16 adjourn.
 17 (Which were all the
 18 proceedings had and
 19 testimony taken in the
 20 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*
 19
 20 CERTIFIED SHORTHAND REPORTER
 21
 22 My Commission Expires:
 23 July 26, 2026.
 24

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