BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

March recommendation meeting) Z22-030
Sonny Acres

March 2, 2023
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. BARRY KETTER, Commissioner.
MR. JACK MURPHY, Commissioner.
MR. DENNIS MORAN, Commissioner.
MS. JANICE ANDERSON, Commissioner.
MR. CARL SCHULTZ, Commissioner.
MR. ZAIN RAHMAN, Commissioner.

ALSO PRESENT:

MR. PAUL HOSS, Planning & Zoning.

CHAIRMAN KARTHOLL: Let's go on the record. This is the DuPage County Zoning Board of Appeals monthly recommendation meeting. And we have a couple of incidental items on the agenda today, and that includes the approval of the minutes for Zoning Petition No. Z22-061, the VK Acquisitions case, that's a January 18 meeting; and Z22-063, the Timber Hill Group, that's a January 26th, 2023 meeting.

So, is there a motion to approve those minutes.

COMMISSIONER KETTER: I'll move to approve as presented.

CHAIRMAN KARTHOLL: Motion by Mr. Ketter. Is there a second?

COMMISSIONER MURPHY: I'll second it.

CHAIRMAN KARTHOLL: Seconded by Mr. Murphy. Any discussion on that motion?

(No response.)

CHAIRMAN KARTHOLL: All in favor of the motion, please signify by saying aye.

(Whereupon all members responded aye.)

CHAIRMAN KARTHOLL: Any opposed?

(No response.)

CHAIRMAN KARTHOLL: Motion carries, the minutes are approved.

And that takes us to our one and only case tonight, which is the Sonny Acres case which is a Wayne Township case, so I will call on Mr. Murphy to make a motion and begin the discussion.

COMMISSIONER MURPHY:. I move that we approve it subject to the seven conditions.

CHAIRMAN KARTHOLL: Okay, the seven conditions contained in the staff report. Mr. Murphy makes the motion. Is there a second to that motion?

COMMISSIONER KETTER: I would second it.

CHAIRMAN KARTHOLL: Motion then by Mr. Murphy, seconded by Mr. Ketter.

Discussion on the case?

COMMISSIONER KETTER: I think he made his case. It's a conditional use, he met the requirements, and we can't deny it.

CHAIRMAN KARTHOLL: Okay. That's a good finding, we can't deny it. Well, there is one item that -- I think the reference to October 1

and through October 30 sort of begs the question about what happens on October 31st, and I understand that this is sort of the big day of the year for the petitioner and that the intention is that the restrictions set forth in these various conditions not apply to October 31, and that rather there be no such conditions exclusively for October 31. So, we either need to -- I don't think it's appropriate to add that as a condition, but we could simply amend perhaps condition six to include some reference that no restrictions be applicable to outside entertainment, et cetera, on October 31.

COMMISSIONER KETTER: Just a question: I thought the transcript was presented that they would have it open probably on the 31st so people could walk through and it made for a flow. Did I misunderstand that this would be for an actual function?

MR. LUETKEHANS: Can I? I know I'm not supposed to talk. We are closed on the 31st.

CHAIRMAN KARTHOLL: Let's recognize Mr. Luetkehans.

MR. LUETKEHANS: We are closed on the 31st.

On the 31st, the whole pumpkin festival, the rest of the facility, is closed so that's why we did that. I apologize, but it is closed on the 31st. That's why we said no restriction on the 31st, not because of anything other than that.

CHAIRMAN KARTHOLL: Well, there's a difference between no restrictions and being closed.

MR. LUETKEHANS: The normal festivities that go on to the public, the facility is closed to the public on that day.

CHAIRMAN KARTHOLL: Right, so is it consistent with the operation of the petitioner to indicate that the facility be closed on October 31?

MR. LUETKEHANS: Other than that the -- other uses other than --

CHAIRMAN KARTHOLL: The banquet facility will be closed?

MR. LUETKEHANS: No, the banquet facility is what we want open on the 31st. Everything else is closed.

COMMISSIONER ANDERSON: Because that's a big wedding day.

CHAIRMAN KARTHOLL: October 31st is a big wedding day?
COMMISSIONER ANDERSON: Oh, yeah.
CHAIRMAN KARTHOLL: For Elizabeth Montgomery and who?
COMMISSIONER ANDERSON: No, trust me, there's a lot of people. They love Halloween weddings, and that's what I was saying before in the transcript during the last hearing that it's that night, but I didn't realize actually the pumpkin festival is no -- it doesn't take place on that day.
MR. LUETKEHANS: That's why the 31st we had left out because the --
CHAIRMAN KARTHOLL: Well let's put something in about the 31st to resolve all of these various issues, and what that would be is banquet facility open?
MR. LUETKEHANS: Correct.
CHAIRMAN KARTHOLL: Without restrictions as to --
MR. LUETKEHANS: And the rest of the property would not be open to the public on October 31st.

CHAIRMAN KARTHOLL: Is that satisfactory, Mr. Murphy?
COMMISSIONER MURPHY: Yes.
CHAIRMAN KARTHOLL: And Mr. Ketter?
COMMISSIONER KETTER: Yes.
CHAIRMAN KARTHOLL: Then the motion is amended to that extent.
Any further discussion?
COMMISSIONER SCHULTZ: Just a little --
CHAIRMAN KARTHOLL: Mr. Schultz?
COMMISSIONER SCHULTZ: Just a little clean-up. I believe that Mr. Murphy said the seven conditions, there's eight conditions because there's one on the back side.
CHAIRMAN KARTHOLL: Oh, yeah. Well, that's our standard condition and we better add that. It's eight conditions.
COMMISSIONER MURPHY: Yeah.
CHAIRMAN KARTHOLL: And that eighth condition is that it be built in accordance with all other codes and ordinances. Okay, I guess that's probably all we need.
MR. HOSS: Are you ready for the roll call?
CHAIRMAN KARTHOLL: Yes. Please call the roll on the motion to approve.

MR. HOSS: Mr. Murphy?
COMMISSIONER MURPHY: Yes.
MR. HOSS: Mr. Ketter?
COMMISSIONER KETTER: Aye.
MR. HOSS: Mr. Moran?
COMMISSIONER MORAN: Aye.
MR. HOSS: Mr. Schultz?
COMMISSIONER SCHULTZ: Aye.
MR. HOSS: Ms. Anderson?
COMMISSIONER ANDERSON: Aye.
MR. HOSS: Mr. Rahman?
COMMISSIONER RAHMAN: Aye.
MR. HOSS: Mr. Kartholl?
CHAIRMAN KARTHOLL: Aye. Motion passes by a vote of 7 in favor and none opposed.
We have no old business or new business. Do we have any written public comment?
MR. HOSS: No written public comment.
CHAIRMAN KARTHOLL: Is there any public comment to be offered by anybody in the audience?
COMMISSIONER ANDERSON: Can I ask who the other gentleman is in the room tonight?
CHAIRMAN KARTHOLL: I don't know.

MR. LYTLE: My name is Aaron Lytle, I'm am an attorney in practice with Mr. Richmond, Scott Richmond who testified at the hearing. We represent the golf course.
COMMISSIONER ANDERSON: Oh, okay, gotcha.
MR. LYTLE: We submitted a letter.
COMMISSIONER ANDERSON: So you're with Ariano, Hardy --
MR. LYTLE: Oh, yeah, Hardy, Ritt. We submitted a letter to the Board.
CHAIRMAN KARTHOLL: That's okay. You can appear here anonymously or with whatever degree of identification you choose.
Okay, well, we don't have any public comment, so I think we're adjourned for the evening.
MS. WILEY: It's not really a public comment, but I had submitted something through the website, and i'm not sure if you got it then.
CHAIRMAN KARTHOLL: What's your name?
MS. WILEY: Laura Wiley from Association of Wayne Center.
CHAIRMAN KARTHOLL: Is it concerning this case?

MS. WILEY: It was. It was in -- we were not opposed, we just wanted to make sure that noise was going to be controlled, but I did submit just a one-paragraph comment about it.

CHAIRMAN KARTHOLL: Yeah, all of the comments that were received are part of the record.

MS. WILEY: Okay. I thought you said there was no written comments.

CHAIRMAN KARTHOLL: No, what I meant, we're required to call for public comment unrelated to the petitions that are considered, and that's what I meant.

MS. WILEY: Okay, thank you.

CHAIRMAN KARTHOLL: Okay, thanks, we're adjourned.

(Which were all the proceedings had and testimony taken in the above-entitled cause.)

STATE OF ILLINOIS)
) SS.
COUNTY OF DU PAGE)

I, LINDA M. CIOSEK, C.S.R. No. 084-2892, duly qualified and commissioned for the State of Illinois, County of DuPage, do hereby certify that at the request of the DU PAGE COUNTY ZONING BOARD OF APPEALS, subject to the usual terms and conditions of Veritext, reported in shorthand the proceedings had and testimony taken at the public hearing of the above-entitled cause, and that the foregoing transcript is a true, correct and complete report of the testimony so taken at the time and place hereinabove set forth.

Linda M. Ciosek

CERTIFIED SHORTHAND REPORTER

My Commission Expires:
July 26, 2026.

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