

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.

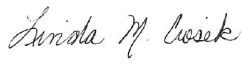
MR. ZAIN RAHMAN, Commissioner.

ALSO PRESENT:

MR. PAUL HOSS, Planning & Zoning.

<p style="text-align: right;">Page 2</p> <p>1 CHAIRMAN KARTHOLL: Let's go on the record. 2 This is the DuPage County Zoning Board of Appeals 3 monthly recommendation meeting. And we have a 4 couple of incidental items on the agenda today, 5 and that includes the approval of the minutes for 6 Zoning Petition No. Z22-061, the VK Acquisitions 7 case, that's a January 18 meeting; and Z22-063, 8 the Timber Hill Group, that's a January 26th, 2023 9 meeting. 10 So, is there a motion to 11 approve those minutes. 12 COMMISSIONER KETTER: I'll move to approve 13 as presented. 14 CHAIRMAN KARTHOLL: Motion by Mr. Ketter. 15 Is there a second? 16 COMMISSIONER MURPHY: I'll second it. 17 CHAIRMAN KARTHOLL: Seconded by Mr. Murphy. 18 Any discussion on that motion? 19 (No response.) 20 CHAIRMAN KARTHOLL: All in favor of the 21 motion, please signify by saying aye. 22 (Whereupon all members 23 responded aye.) 24 CHAIRMAN KARTHOLL: Any opposed?</p>	<p style="text-align: right;">Page 4</p> <p>1 and through October 30 sort of begs the question 2 about what happens on October 31st, and I 3 understand that this is sort of the big day of the 4 year for the petitioner and that the intention is 5 that the restrictions set forth in these various 6 conditions not apply to October 31, and that 7 rather there be no such conditions exclusively for 8 October 31. So, we either need to -- I don't 9 think it's appropriate to add that as a condition, 10 but we could simply amend perhaps condition six to 11 include some reference that no restrictions be 12 applicable to outside entertainment, et cetera, on 13 October 31. 14 COMMISSIONER KETTER: Just a question: I 15 thought the transcript was presented that they 16 would have it open probably on the 31st so people 17 could walk through and it made for a flow. 18 Did I misunderstand that this would be for an 19 actual function? 20 MR. LUETKEHANS: Can I? I know I'm not 21 supposed to talk. We are closed on the 31st. 22 CHAIRMAN KARTHOLL: Let's recognize Mr. 23 Luetkehans. 24 MR. LUETKEHANS: We are closed on the 31st.</p>
<p style="text-align: right;">Page 3</p> <p>1 (No response.) 2 CHAIRMAN KARTHOLL: Motion carries, the 3 minutes are approved. 4 And that takes us to our one 5 and only case tonight, which is the Sonny Acres 6 case which is a Wayne Township case, so I will 7 call on Mr. Murphy to make a motion and begin the 8 discussion. 9 COMMISSIONER MURPHY: I move that we 10 approve it subject to the seven conditions. 11 CHAIRMAN KARTHOLL: Okay, the seven 12 conditions contained in the staff report. Mr. 13 Murphy makes the motion. Is there a second to 14 that motion? 15 COMMISSIONER KETTER: I would second it. 16 CHAIRMAN KARTHOLL: Motion then by Mr. 17 Murphy, seconded by Mr. Ketter. 18 Discussion on the case? 19 COMMISSIONER KETTER: I think he made his 20 case. It's a conditional use, he met the 21 requirements, and we can't deny it. 22 CHAIRMAN KARTHOLL: Okay. That's a good 23 finding, we can't deny it. Well, there is one 24 item that -- I think the reference to October 1</p>	<p style="text-align: right;">Page 5</p> <p>1 On the 31st, the whole pumpkin festival, the rest 2 of the facility, is closed so that's why we did 3 that. I apologize, but it is closed on the 31st. 4 That's why we said no restriction on the 31st, not 5 because of anything other than that. 6 CHAIRMAN KARTHOLL: Well, there's a 7 difference between no restrictions and being 8 closed. 9 MR. LUETKEHANS: The normal festivities 10 that go on to the public, the facility is closed 11 to the public on that day. 12 CHAIRMAN KARTHOLL: Right, so is it 13 consistent with the operation of the petitioner to 14 indicate that the facility be closed on October 15 31? 16 MR. LUETKEHANS: Other than that the -- 17 other uses other than -- 18 CHAIRMAN KARTHOLL: The banquet facility 19 will be closed? 20 MR. LUETKEHANS: No, the banquet facility 21 is what we want open on the 31st. Everything else 22 is closed. 23 COMMISSIONER ANDERSON: Because that's a 24 big wedding day.</p>

<p style="text-align: right;">Page 6</p> <p>1 CHAIRMAN KARTHOLL: October 31st is a big 2 wedding day? 3 COMMISSIONER ANDERSON: Oh, yeah. 4 CHAIRMAN KARTHOLL: For Elizabeth 5 Montgomery and who? 6 COMMISSIONER ANDERSON: No, trust me, 7 there's a lot of people. They love Halloween 8 weddings, and that's what I was saying before in 9 the transcript during the last hearing that it's 10 that night, but I didn't realize actually the 11 pumpkin festival is no -- it doesn't take place on 12 that day. 13 MR. LUETKEHANS: That's why the 31st we had 14 left out because the -- 15 CHAIRMAN KARTHOLL: Well let's put 16 something in about the 31st to resolve all of 17 these various issues, and what that would be is 18 banquet facility open? 19 MR. LUETKEHANS: Correct. 20 CHAIRMAN KARTHOLL: Without restrictions as 21 to -- 22 MR. LUETKEHANS: And the rest of the 23 property would not be open to the public on 24 October 31st.</p>	<p style="text-align: right;">Page 8</p> <p>1 roll on the motion to approve. 2 MR. HOSS: Mr. Murphy? 3 COMMISSIONER MURPHY: Yes. 4 MR. HOSS: Mr. Ketter? 5 COMMISSIONER KETTER: Aye. 6 MR. HOSS: Mr. Moran? 7 COMMISSIONER MORAN: Aye. 8 MR. HOSS: Mr. Schultz? 9 COMMISSIONER SCHULTZ: Aye. 10 MR. HOSS: Ms. Anderson? 11 COMMISSIONER ANDERSON: Aye. 12 MR. HOSS: Mr. Rahman? 13 COMMISSIONER RAHMAN: Aye. 14 MR. HOSS: Mr. Kartholl? 15 CHAIRMAN KARTHOLL: Aye. Motion passes by 16 a vote of 7 in favor and none opposed. 17 We have no old business or new 18 business. Do we have any written public comment? 19 MR. HOSS: No written public comment. 20 CHAIRMAN KARTHOLL: Is there any public 21 comment to be offered by anybody in the audience? 22 COMMISSIONER ANDERSON: Can I ask who the 23 other gentleman is in the room tonight? 24 CHAIRMAN KARTHOLL: I don't know.</p>
<p style="text-align: right;">Page 7</p> <p>1 CHAIRMAN KARTHOLL: Is that satisfactory, 2 Mr. Murphy? 3 COMMISSIONER MURPHY: Yes. 4 CHAIRMAN KARTHOLL: And Mr. Ketter? 5 COMMISSIONER KETTER: Yes. 6 CHAIRMAN KARTHOLL: Then the motion is 7 amended to that extent. 8 Any further discussion? 9 COMMISSIONER SCHULTZ: Just a little -- 10 CHAIRMAN KARTHOLL: Mr. Schultz? 11 COMMISSIONER SCHULTZ: Just a little 12 clean-up. I believe that Mr. Murphy said the 13 seven conditions, there's eight conditions because 14 there's one on the back side. 15 CHAIRMAN KARTHOLL: Oh, yeah. Well, that's 16 our standard condition and we better add that. 17 It's eight conditions. 18 COMMISSIONER MURPHY: Yeah. 19 CHAIRMAN KARTHOLL: And that eighth 20 condition is that it be built in accordance with 21 all other codes and ordinances. Okay, I guess 22 that's probably all we need. 23 MR. HOSS: Are you ready for the roll call? 24 CHAIRMAN KARTHOLL: Yes. Please call the</p>	<p style="text-align: right;">Page 9</p> <p>1 MR. LYTLE: My name is Aaron Lytle, I'm am 2 an attorney in practice with Mr. Richmond, Scott 3 Richmond who testified at the hearing. We 4 represent the golf course. 5 COMMISSIONER ANDERSON: Oh, okay, gotcha. 6 MR. LYTLE: We submitted a letter. 7 COMMISSIONER ANDERSON: So you're with 8 Ariano, Hardy -- 9 MR. LYTLE: Oh, yeah, Hardy, Ritt. We 10 submitted a letter to the Board. 11 CHAIRMAN KARTHOLL: That's okay. You can 12 appear here anonymously or with whatever degree of 13 identification you choose. 14 Okay, well, we don't have any 15 public comment, so I think we're adjourned for the 16 evening. 17 MS. WILEY: It's not really a public 18 comment, but I had submitted something through the 19 website, and i'm not sure if you got it then. 20 CHAIRMAN KARTHOLL: What's your name? 21 MS. WILEY: Laura Wiley from Association of 22 Wayne Center. 23 CHAIRMAN KARTHOLL: Is it concerning this 24 case?</p>

<p style="text-align: right;">Page 10</p> <p>1 MS. WILEY: It was. It was in -- we were 2 not opposed, we just wanted to make sure that 3 noise was going to be controlled, but I did submit 4 just a one-paragraph comment about it. 5 CHAIRMAN KARTHOLL: Yeah, all of the 6 comments that were received are part of the 7 record. 8 MS. WILEY: Okay. I thought you said there 9 was no written comments. 10 CHAIRMAN KARTHOLL: No, what I meant, we're 11 required to call for public comment unrelated to 12 the petitions that are considered, and that's what 13 I meant. 14 MS. WILEY: Okay, thank you. 15 CHAIRMAN KARTHOLL: Okay, thanks, we're 16 adjourned. 17 (Which were all the proceedings 18 had and testimony taken in the 19 above-entitled cause.) 20 21 22 23 24</p>	
<p style="text-align: right;">Page 11</p> <p>1 STATE OF ILLINOIS)) SS. 2 COUNTY OF DU PAGE) 3 I, LINDA M. CIOSEK, C.S.R. No. 4 084-2892, duly qualified and commissioned for the 5 State of Illinois, County of DuPage, do hereby 6 certify that at the request of the DU PAGE COUNTY 7 ZONING BOARD OF APPEALS, subject to the usual 8 terms and conditions of Veritext, reported in 9 shorthand the proceedings had and testimony taken 10 at the public hearing of the above-entitled cause, 11 and that the foregoing transcript is a true, 12 correct and complete report of the testimony so 13 taken at the time and place hereinabove set forth. 14 15 16  17 18 CERTIFIED SHORTHAND REPORTER 19 20 My Commission Expires: 21 July 26, 2026. 22 23 24</p>	

&	accordance	association	certify 11:6
& 1:22	7:20	9:21	cetera 4:12
0	acquisitions	attorney 9:2	chairman 1:14
084-2892 11:4	2:6	audience 8:21	2:1,14,17,20,24
1	acres 1:3 3:5	aye 2:21,23 8:5	3:2,11,16,22
1 3:24	actual 4:19	8:7,9,11,13,15	4:22 5:6,12,18
18 2:7	actually 6:10	b	6:1,4,15,20 7:1
2	add 4:9 7:16	back 7:14	7:4,6,10,15,19
2 1:4	adjourned 9:15	banquet 5:18	7:24 8:15,20
2023 1:4 2:8	10:16	5:20 6:18	8:24 9:11,20
2026 11:21	administration	barry 1:15	9:23 10:5,10
26 11:21	1:8	begs 4:1	10:15
26th 2:8	agenda 2:4	believe 7:12	choose 9:13
28180 11:17	amend 4:10	better 7:16	ciosek 1:10
3	amended 7:7	big 4:3 5:24 6:1	11:3
30 4:1	anderson 1:18	board 1:1,7,13	clean 7:12
31 4:6,8,13	5:23 6:3,6 8:10	2:2 9:10 11:7	closed 4:21,24
5:15	8:11,22 9:5,7	building 1:9	5:2,3,8,10,14
31st 4:2,16,21	anonymously	built 7:20	5:19,22
4:24 5:1,3,4,21	9:12	business 8:17	codes 7:21
6:1,13,16,24	anybody 8:21	8:18	comment 8:18
4	apologize 5:3	c	8:19,21 9:15
421 1:9	appeals 1:1,7	c.s.r. 1:10 11:3	9:18 10:4,11
5	2:2 11:7	call 3:7 7:23,24	comments 10:6
5:30 1:5	appear 9:12	10:11	10:9
7	applicable 4:12	carl 1:19	commission
7 8:16	apply 4:6	carries 3:2	11:20
a	appropriate	case 2:7 3:5,6,6	commissioned
aaron 9:1	4:9	3:18,20 9:24	1:11 11:4
above 10:19	approval 2:5	cause 10:19	commissioner
11:10	approve 2:11	11:10	1:15,16,17,18
	2:12 3:10 8:1	center 9:22	1:19,20 2:12
	approved 3:3	certified 11:18	2:16 3:9,15,19
	ariano 9:8		4:14 5:23 6:3,6
			7:3,5,9,11,18

8:3,5,7,9,11,13 8:22 9:5,7 complete 11:12 concerning 9:23 condition 4:9 4:10 7:16,20 conditional 3:20 conditions 3:10 3:12 4:6,7 7:13 7:13,17 11:8 considered 10:12 consistent 5:13 contained 3:12 controlled 10:3 correct 6:19 11:12 county 1:1,7,8 1:9 2:2 11:2,5 11:6 couple 2:4 course 9:4	duly 11:4 dupage 1:8 2:2 11:5 e eight 7:13,17 eighth 7:19 either 4:8 elizabeth 6:4 entertainment 4:12 entitled 10:19 11:10 et 4:12 evening 9:16 exclusively 4:7 expires 11:20 extent 7:7 f facility 5:2,10 5:14,18,20 6:18 farm 1:9 favor 2:20 8:16 festival 5:1 6:11 festivities 5:9 finding 3:23 flow 4:17 foregoing 11:11 forth 4:5 11:13 function 4:19 further 7:8	g gentleman 8:23 go 2:1 5:10 going 10:3 golf 9:4 good 3:22 gotcha 9:5 group 2:8 guess 7:21 h halloween 6:7 happens 4:2 hardy 9:8,9 hearing 6:9 9:3 11:10 hereinabove 11:13 hill 2:8 hoss 1:22 7:23 8:2,4,6,8,10,12 8:14,19 i identification 9:13 illinois 1:10,12 11:1,5 incidental 2:4 include 4:11 includes 2:5 indicate 5:14 intention 4:4 issues 6:17 item 3:24	items 2:4 j jack 1:16 janice 1:18 january 2:7,8 july 11:21 k kartholl 1:14 2:1,14,17,20,24 3:2,11,16,22 4:22 5:6,12,18 6:1,4,15,20 7:1 7:4,6,10,15,19 7:24 8:14,15 8:20,24 9:11 9:20,23 10:5 10:10,15 ketter 1:15 2:12,14 3:15 3:17,19 4:14 7:4,5 8:4,5 know 4:20 8:24 l laura 9:21 left 6:14 letter 9:6,10 linda 1:10 11:3 little 7:9,11 lot 6:7 love 6:7 luetkehans 4:20,23,24 5:9 5:16,20 6:13 6:19,22
d day 4:3 5:11,24 6:2,12 degree 9:12 dennis 1:17 deny 3:21,23 difference 5:7 discussion 2:18 3:8,18 7:8 du 1:1,7 11:2,6			

lytle 9:1,1,6,9	need 4:8 7:22	passes 8:15	r
m	new 8:17	paul 1:22	rahman 1:20
m 1:10 11:3	night 6:10	people 4:16 6:7	8:12,13
made 3:19 4:17	noise 10:3	petition 2:6	rather 4:7
make 3:7 10:2	normal 5:9	petitioner 4:4	ready 7:23
makes 3:13	north 1:9	5:13	realize 6:10
march 1:3,4	notary 1:10	petitions 10:12	really 9:17
meant 10:10,13	o	place 6:11	received 10:6
meeting 1:3 2:3	october 3:24	11:13	recognize 4:22
2:7,9	4:1,2,6,8,13	planning 1:22	recommenda...
members 1:13	5:14 6:1,24	please 2:21	1:3 2:3
2:22	offered 8:21	7:24	record 2:1 10:7
met 3:20	oh 6:3 7:15 9:5	practice 9:2	reference 3:24
minutes 2:5,11	9:9	present 1:13,21	4:11
3:3	okay 3:11,22	presented 2:13	report 3:12
misunderstand	7:21 9:5,11,14	4:15	11:12
4:18	10:8,14,15	probably 4:16	reported 11:8
montgomery	old 8:17	7:22	reporter 11:18
6:5	open 4:16 5:21	proceedings	represent 9:4
monthly 2:3	6:18,23	1:6 10:17 11:9	request 11:6
moran 1:17 8:6	operation 5:13	property 6:23	required 10:11
8:7	opposed 2:24	public 1:11	requirements
motion 2:10,14	8:16 10:2	5:10,11 6:23	3:21
2:18,21 3:2,7	ordinances	8:18,19,20	resolve 6:16
3:13,14,16 7:6	7:21	9:15,17 10:11	responded 2:23
8:1,15	outside 4:12	11:10	response 2:19
move 2:12 3:9	p	pumpkin 5:1	3:1
murphy 1:16	p.m. 1:5	6:11	rest 5:1 6:22
2:16,17 3:7,9	page 1:1,7 11:2	put 6:15	restriction 5:4
3:13,17 7:2,3	11:6	q	restrictions 4:5
7:12,18 8:2,3	paragraph	qualified 1:11	4:11 5:7 6:20
n	10:4	11:4	richmond 9:2,3
name 9:1,20	part 10:6	question 4:1,14	right 5:12
			ritt 9:9

road 1:9 robert 1:14 roll 7:23 8:1 room 8:23	submitted 9:6 9:10,18 supposed 4:21 sure 9:19 10:2	use 3:20 uses 5:17 usual 11:7	
		v	
s	t	various 4:5 6:17	
satisfactory 7:1 saying 2:21 6:8 schultz 1:19 7:9,10,11 8:8,9 scott 9:2 second 2:15,16 3:13,15 seconded 2:17 3:17 set 4:5 11:13 seven 3:10,11 7:13 shorthand 11:9 11:18 side 7:14 signature 11:17 signify 2:21 simply 4:10 six 4:10 sonny 1:3 3:5 sort 4:1,3 ss 11:1 staff 3:12 standard 7:16 state 1:11 11:1 11:5 subject 3:10 11:7 submit 10:3	take 6:11 taken 1:6,8 10:18 11:9,13 takes 3:4 talk 4:21 terms 11:8 testified 9:3 testimony 1:6 10:18 11:9,12 thank 10:14 thanks 10:15 think 3:19,24 4:9 9:15 thought 4:15 10:8 timber 2:8 time 11:13 today 2:4 tonight 3:5 8:23 township 3:6 transcript 4:15 6:9 11:11 true 11:11 trust 6:6	veritext 11:8 vk 2:6 vote 8:16	
		w	
		walk 4:17 want 5:21 wanted 10:2 wayne 3:6 9:22 website 9:19 wedding 5:24 6:2 weddings 6:8 wheaton 1:9 wiley 9:17,21 9:21 10:1,8,14 written 8:18,19 10:9	
		y	
		yeah 6:3 7:15 7:18 9:9 10:5 year 4:4	
		z	
		z22-030 1:3 z22-061 2:6 z22-063 2:7 zain 1:20 zoning 1:1,7,22 2:2,6 11:7	
	u		
	understand 4:3 unrelated 10:11		