

1 BEFORE THE DU PAGE COUNTY  
2 ZONING BOARD OF APPEALS

Variation for a video gaming ) No. Z25-048  
4 terminal establishment ) Lucky 7 Bistro

5 | Page

6:00 p.m.

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

13      BOARD MEMBERS PRESENT:

14 MR. ROBERT KARTHOLL, Chairman.

15 MR. JACK MURPHY, Commissioner.

16 MR. CARL SCHULTZ, Commissioner.

17 MR. DENNIS MORAN, Commissioner, via

18 | Zoom.

19 MR. JIM JAROG, Commissioner.

20 MR. ZAIN RAHMAN, Commissioner, via

21 Zoom.

<p>1 ALSO PRESENT:  2 MS. ASHLYN KIRBY, Zoning  3 Administration Coordinator.  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p>	Page 2	<p>1 CHAIRMAN KARTHOLL: Well, I guess we  2 can begin. I'll call the meeting to order,  3 and would you call the roll of the members  4 that are present?  5 MS. KIRBY: Member Jarog?  6 COMMISSIONER JAROG: Here.  7 MS. KIRBY: Member Schultz?  8 COMMISSIONER SCHULTZ: Here.  9 MS. KIRBY: Member Murphy?  10 COMMISSIONER MURPHY: Here.  11 MS. KIRBY: And Chairman Bob Kartholl?  12 CHAIRMAN KARTHOLL: Here.  13 The next item will be to  14 admit the members who are appearing remotely.  15 This is presumably the same reasons as last  16 night, so can I have a motion to admit Mr.  17 Rahman and Mr. Moran by Zoom?  18 COMMISSIONER MURPHY: I so move.  19 COMMISSIONER SCHULTZ: Second.  20 CHAIRMAN KARTHOLL: Motioned by Mr.  21 Murphy, seconded by Mr. Schultz. Any  22 discussion?  23 (No response.)  24 CHAIRMAN KARTHOLL: Please signify by</p>	Page 4
<p>1 EXHIBITS  2 Page No.  3 Petitioner's Exhibit 1 8  4 Petitioner's Group Exhibit 2 10  5 Petitioner's Group Exhibit 3 10  6 Petitioner's Exhibit 4 11  7 Petitioner's Exhibit 5 14  8 Petitioner's Exhibit 6 15  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p>	Page 3	<p>1 saying aye.  2 (Whereupon, all members  3 present responded aye.)  4 CHAIRMAN KARTHOLL: If you approve.  5 And no noes, so you guys are admitted. Let  6 the record reflect that both Mr. Rahman and  7 Mr. Moran are attending remotely.  8 COMMISSIONER MORAN: Thank you.  9 CHAIRMAN KARTHOLL: There is no public  10 comments to be heard, we have no minutes to  11 approve, we have one case on the agenda that  12 is Z25-048, Lucky 7 Bistro. That's a  13 variation to allow a video gaming cafe  14 restaurant within a thousand feet of an  15 existing video gaming cafe restaurant, so and  16 so terminal establishment.  17 The matter was published  18 in the Daily Herald on October 16, 2025. And  19 I have an objection by the Village of Addison  20 and no comments from any of the other  21 authorities.  22 Would you identify  23 yourself, sir.  24 MR. PATEL: Yes, I am the, like, Lucky</p>	Page 5

<p style="text-align: right;">Page 6</p> <p>1 7 Bistro and I'm, like, the owner of the, 2 like, their stuff, and we like come here 3 today --</p> <p>4 CHAIRMAN KARTHOLL: Wait. What I 5 meant was give us your name and address.</p> <p>6 MR. PATEL: Oh, my name is Ranchhod 7 Patel, 256 Allendale Drive, Bloomingdale, 8 Illinois.</p> <p>9 CHAIRMAN KARTHOLL: Spell your first 10 name, please.</p> <p>11 MR. PATEL: R-a-n-c-h-h-o-d.</p> <p>12 CHAIRMAN KARTHOLL: Okay, Mr. Patel, 13 who's with you?</p> <p>14 MR. PATEL: He's my cousin.</p> <p>15 MR. HARRY PATEL: My name is Harry 16 Patel.</p> <p>17 CHAIRMAN KARTHOLL: Are you 18 testifying?</p> <p>19 MR. HARRY PATEL: Yes.</p> <p>20 CHAIRMAN KARTHOLL: Would you both 21 raise your hand and be sworn.</p> <p>22 (Whereupon, the oath was 23 duly administered by the 24 Notary.)</p>	<p style="text-align: right;">Page 8</p> <p>1 (Whereupon, Petitioner's 2 Exhibit 1 was marked for 3 identification.)</p> <p>4 CHAIRMAN KARTHOLL: And then before 5 you just, you know, sort of dump this file on 6 us, let's go through what your presentation 7 is and see how these documents relate to your 8 presentation.</p> <p>9 Certificate of occupancy.</p> <p>10 What are you trying to tell us with these?</p> <p>11 MR. PATEL: So, we are, like, here 12 our, like, blueprints when we start getting 13 the like --</p> <p>14 CHAIRMAN KARTHOLL: I didn't swear you 15 in today. Did we swear him in?</p> <p>16 THE COURT REPORTER: Yes.</p> <p>17 CHAIRMAN KARTHOLL: I'm sorry, go 18 ahead.</p> <p>19 MR. PATEL: So, this is the my, like, 20 you know concepts and blueprints, like 21 approval from the zoning, approval from the 22 health department, approval from everybody 23 which we get the approval from the 2023. And 24 we are, like, today here in the court to try</p>
<p style="text-align: right;">Page 7</p> <p>1 CHAIRMAN KARTHOLL: Okay. First of 2 all, do you have a survey as Exhibit No. 1? 3 And that would be a -- this is an existing 4 structure; right?</p> <p>5 MR. PATEL: Yes. Can I give you the 6 file? I got the whole file here.</p> <p>7 CHAIRMAN KARTHOLL: You can give me 8 whatever you want, but I would like a survey 9 as Exhibit No. 1.</p> <p>10 MR. PATEL: Can I come over there, 11 it's okay?</p> <p>12 CHAIRMAN KARTHOLL: Yeah, yeah. 13 We're pretty informal, Mr. Patel.</p> <p>14 MR. PATEL: This is, like, all file 15 from the Health Department, Fire Department, 16 so like --</p> <p>17 CHAIRMAN KARTHOLL: We have to 18 identify these as exhibits, but the first 19 exhibit is the survey.</p> <p>20 MR. PATEL: Yes, I got here.</p> <p>21 CHAIRMAN KARTHOLL: Excellent. 22 We have a plat of survey that we'll mark as 23 Petitioner's Exhibit No. 1.</p> <p>24</p>	<p style="text-align: right;">Page 9</p> <p>1 to get my, like, you know license.</p> <p>2 CHAIRMAN KARTHOLL: Okay. I don't 3 need your blueprints.</p> <p>4 MR. PATEL: Okay.</p> <p>5 CHAIRMAN KARTHOLL: And I don't think 6 we need them in the file. On the other hand, 7 if you feel that you are somehow being ill- 8 served by not submitting your blueprints, 9 I'll take them.</p> <p>10 Then here is a building 11 permit from 2023. What story does this piece 12 of paper tell us?</p> <p>13 MR. PATEL: So, we start, like, start 14 getting my blueprint approval after I get my 15 building permit, after I get -- like I did 16 all the construction is like ready to go, and 17 we are today try to get the license. And we 18 paid already the liquor license money, too, 19 and they accepted; right? So I just, like, 20 want to see -- I just need, like, move 21 forward with my business and I want to open 22 my store.</p> <p>23 CHAIRMAN KARTHOLL: Let me explain. 24 All of these other authorities have granted</p>

<p>1 you permission, but you don't have zoning  2 permission because you're within a thousand  3 feet of an existing video gaming cafe. I'm  4 going to take --</p> <p>5 MR. PATEL: I got the zoning  6 permission from Paul Hoss, too.</p> <p>7 CHAIRMAN KARTHOLL: Good for Paul  8 Hoss. I have an invoice and a paid check  9 which I'll take as Group Exhibit 2. And this  10 is a liquor license payment. So that will be  11 Exhibit 2.</p> <p>12 (Whereupon, Petitioner's  13 Group Exhibit 2 was marked  14 for identification.)</p> <p>15 CHAIRMAN KARTHOLL: Then I have a fire  16 department document which I'll take as Group  17 Exhibit 3.</p> <p>18 Whereupon, Petitioner's  19 Group Exhibit 3 was marked  20 for identification.)</p> <p>21 CHAIRMAN KARTHOLL: Then I have an --  22 do you really need to give us this?</p> <p>23 MR. PATEL: No, I just in file so I  24 give it.</p>	Page 10	<p>1 gives us something that I don't recognize.  2 What is this supposed to be?</p> <p>3 MR. PATEL: This is for the when we,  4 like, submit our blueprint for the business  5 and then this get involved to pass all like,  6 you know, zoning permits like construction  7 and all that. This is, like, I don't know  8 they using the third party, I don't know.</p> <p>9 CHAIRMAN KARTHOLL: This is a third  10 party, like an inspection report, SAFEbuilt?</p> <p>11 MR. PATEL: Yes.</p> <p>12 CHAIRMAN KARTHOLL: And you feel  13 that's important to have in the zoning file?</p> <p>14 MR. PATEL: Is what we did, we just  15 want to give it to you, that's it.</p> <p>16 CHAIRMAN KARTHOLL: No. I want  17 relevant documents related to the fact of why  18 you should be within a thousand feet of  19 another facility. And I don't care if you  20 were pre-approved or they said your building  21 permit works.</p> <p>22 We will stipulate, or you  23 can offer a stipulation, that you were  24 pre-approved for a liquor license, for</p>
<p>1 CHAIRMAN KARTHOLL: Okay. Well, I  2 don't need your file.</p> <p>3 MR. PATEL: Okay.</p> <p>4 CHAIRMAN KARTHOLL: And whatever the  5 IRS thing is.</p> <p>6 What's this for?</p> <p>7 MR. PATEL: That's, like, permit and  8 you see like here.</p> <p>9 CHAIRMAN KARTHOLL: From 2023. This  10 is a permit, but what is it that you're  11 trying to tell us with this permit? What's  12 it a permit for?</p> <p>13 MR. PATEL: Probably for, like, the  14 constructions doing for my business, doing  15 for license.</p> <p>16 CHAIRMAN KARTHOLL: All right, so  17 you've got a story to tell us that you've  18 already spent a lot of money and this is part  19 of that story, the 2023 permit which we'll  20 take as Exhibit 4.</p> <p>21 (Whereupon, Petitioner's  22 Exhibit 4 was marked for  23 identification.)</p> <p>24 CHAIRMAN KARTHOLL: Then SAFEbuilt</p>	Page 11	<p>1 building permits and for whatever else. Do  2 you want us to take notice of that?</p> <p>3 MR. PATEL: I'm not trying to give you  4 the notice for that, but I'm trying to give  5 it to you what we did like 2023 and up to  6 today we are like 2025, we finished the  7 whatever like DuPage County requirement, we  8 finish that work, and we spent like thousands  9 of dollar over there paying the rent, other  10 things, and we are like still --</p> <p>11 CHAIRMAN KARTHOLL: I know you're not  12 represented by an attorney, but what you are  13 saying is that since the County has issued  14 other permits, I should be given this  15 permission under zoning; right? Is that what  16 you're trying to tell us?</p> <p>17 MR. PATEL: Yes.</p> <p>18 CHAIRMAN KARTHOLL: And since you  19 spent a lot of money in reliance on what the  20 County previously submitted, we should grant  21 this zoning relief; is that right?</p> <p>22 MR. PATEL: Yes.</p> <p>23 CHAIRMAN KARTHOLL: And the dates for  24 that go all the way back to 2023 through</p>

<p>1 2025; right?</p> <p>2 MR. PATEL: Yes, because we finish all 3 this the, you know, the approval from the 4 fire department, Health Department, we just 5 finished that 2025.</p> <p>6 CHAIRMAN KARTHOLL: Okay. I'll take 7 this.</p> <p>8 MR. PATEL: If you feel it's okay. If 9 not --</p> <p>10 CHAIRMAN KARTHOLL: I can't make your 11 case. You should have a lawyer if you don't 12 understand what's going on.</p> <p>13 MR. PATEL: Okay.</p> <p>14 (Whereupon, Petitioner's 15 Exhibit 5 was marked for 16 identification.)</p> <p>17 CHAIRMAN KARTHOLL: The commercial 18 lease, why would you offer that?</p> <p>19 MR. PATEL: Because I spent money 20 there, that's why.</p> <p>21 CHAIRMAN KARTHOLL: Okay. Well, we'll 22 take notice -- you could you just testify, 23 you don't have to give us the lease, just 24 tell us you spent money.</p>	Page 14	<p>1 2022 and then we start the process for 2 construction and then apply for the permits, 3 going through the meetings, and we got 4 approval from zoning on 2023 of September. 5 And then Health, Fire and Building gave us 6 approval in November 6th, 2023 for the 7 buildouts. That's where we started the 8 buildout process. And then from the buildout 9 process, we have to go through so many 10 inspections; HVAC, plumbings and electrics, 11 et cetera. At that point Ordinance didn't 12 change. So we checked the Ordinance with the 13 DuPage County about, you know, are we going 14 to get the license in the future or not?</p> <p>15 So we start construction 16 and then during the Ordinance change in I 17 think May, 2024, which we didn't know about; 18 right? And then, you know, we did whatever 19 we could to finish the project. We went 20 through everything inspections and 21 inspections and all inspections, and then 22 finally we got the permit, you know, 23 occupancy permit from, you know, DuPage 24 County to open up the business in March,</p>	Page 16
<p>1 MR. PATEL: That is all my proof, 2 that's why.</p> <p>3 CHAIRMAN KARTHOLL: Proof that you 4 spent money?</p> <p>5 MR. PATEL: What is my lease say, what 6 is the, like, you know.</p> <p>7 CHAIRMAN KARTHOLL: Do you want us to 8 take your lease? I'll put your lease in the 9 record.</p> <p>10 MR. PATEL: That's okay, thank you.</p> <p>11 (Whereupon, Petitioner's 12 Exhibit 6 was marked for 13 identification.)</p> <p>14 CHAIRMAN KARTHOLL: All right. Now 15 tell us, if we could get around to it, why 16 you should be within a thousand feet of 17 another facility.</p> <p>18 MR. HARRY PATEL: So if I may, can I 19 add something?</p> <p>20 CHAIRMAN KARTHOLL: Absolutely.</p> <p>21 MR. HARRY PATEL: So I was --</p> <p>22 CHAIRMAN KARTHOLL: Tell us your name.</p> <p>23 MR. PATEL: I'm Harry Patel, and I 24 would like to add Mr. Patel did the lease in</p>	Page 15	<p>1 2025. And then we went, pay for the liquor 2 license and we submit application, we submit 3 all the paperwork, and all of a sudden there 4 is -- we weren't aware of, there is another 5 establishment is there and the Ordinance has 6 changed.</p> <p>7 So since February they are 8 paying the rent, you know, every month. They 9 didn't get the rent break. They pay all the 10 permits, they pay the construction costs, you 11 know, zoning fees, fire monitoring systems, 12 they did everything whatever were required, 13 you know, by this April. They took a very 14 long time. It took us six months just to get 15 permits to do the buildout; right? And then 16 we weren't aware there is another 17 establishment nearby, and then the Ordinance 18 changed in May, 2024. And then when we went 19 -- when he went to apply for the liquor 20 license, that's where, you know, they said 21 you have to wait, there was, you know -- you 22 have to wait, there is another establishment, 23 you have to go to the Board meeting. So 24 that's we here for. We never knew there was</p>	Page 17

<p>1 another establishment coming us, you know.  2 CHAIRMAN KARTHOLL: I understand  3 that's the case with a lot of other people in  4 your circumstance.  5 All right, let me ask you  6 some questions. What is the name of the  7 other gaming facility near you?  8 MR. HARRY PATEL: It's a liquor store,  9 Royal Liquor.  10 CHAIRMAN KARTHOLL: How long have they  11 had gaming?  12 MR. HARRY PATEL: They haven't got it.  13 I think I believe they're still waiting for  14 the state approvals.  15 CHAIRMAN KARTHOLL: They don't have  16 gaming?  17 MR. HARRY PATEL: They're waiting for  18 the state approvals. After we get approval  19 from DuPage County, it has to go to the  20 state, and then state usually takes six  21 months to nine months for them to, you know,  22 do the inspection. They have to go the state  23 board meetings, they have state have to come  24 and do the inspection.</p>	<p>Page 18</p> <p>1 MR. HARRY PATEL: Yes.  2 CHAIRMAN KARTHOLL: Your liquor is we  3 got some beer bottles because we really want  4 the gaming, but we got to have beer bottles?  5 MR. PATEL: That's what we approved  6 for.  7 MR. HARRY PATEL: I think it's a G-1  8 license that he applied and it's, I think,  9 specially made.  10 CHAIRMAN KARTHOLL: All right, so this  11 one is different than some of our other cases  12 because this is a prospective application;  13 right, it's for the future because you're not  14 open yet.  15 MR. HARRY PATEL: Because, I mean, we  16 don't have the license. That's what we here  17 for, to open up.  18 CHAIRMAN KARTHOLL: Understood. Are  19 you otherwise ready to open?  20 MR. PATEL: Yes.  21 MR. HARRY PATEL: Yes.  22 CHAIRMAN KARTHOLL: Okay.  23 MR. HARRY PATEL: We like almost  24 closed six months. We ready to open been six</p>
<p>1 CHAIRMAN KARTHOLL: Yeah, I understand  2 that. There's no gaming in the other  3 facility?  4 MR. HARRY PATEL: I'm not aware if  5 they have it or not.  6 CHAIRMAN KARTHOLL: Do you have gaming  7 currently in your facility?  8 MR. HARRY PATEL: We haven't opened  9 the business yet.  10 CHAIRMAN KARTHOLL: Nothing is open?  11 MR. HARRY PATEL: It's ready to open,  12 everything is built.  13 CHAIRMAN KARTHOLL: What will the  14 business be?  15 MR. HARRY PATEL: This business going  16 to be a gaming cafe, just --  17 CHAIRMAN KARTHOLL: That's it, nothing  18 else, it's not a restaurant?  19 MR. HARRY PATEL: Nothing.  20 MR. PATEL: It's just a bottle,  21 actually is bottle.  22 MR. HARRY PATEL: Serves bottled beer.  23 CHAIRMAN KARTHOLL: So in order to  24 have gaming, you have to have liquor?</p>	<p>Page 19</p> <p>Page 21</p> <p>1 months. So our occupancy we got in March, so  2 since March we are waiting.  3 CHAIRMAN KARTHOLL: What is the  4 distance?  5 MR. HARRY PATEL: At the same -- it's  6 the strip center with the four shops. It's  7 in the strip center, the Royal Liquor and  8 Lucky 7.  9 CHAIRMAN KARTHOLL: All right.  10 COMMISSIONER JAROG: It's right  11 nextdoor; right?  12 CHAIRMAN KARTHOLL: Yeah, are you  13 familiar with this?  14 COMMISSIONER JAROG: No, I was just  15 checking on Google Maps. It's right next to  16 their place in the strip mall. They touch.  17 CHAIRMAN KARTHOLL: Okay. I think we  18 should continue this hearing because you  19 present a slightly different case than  20 several of our others. But you can't come in  21 here and say I did all these things and now I  22 just need you guys to approve. We have to  23 have some basis to approve this. So, in  24 other words, we need to understand from you</p>

<p>1 what you think the reason for this rule is,  2 the thousand foot rule. We have to know  3 precisely where it is. We have to know  4 whether there are -- there's heavy  5 concentration of traffic or whatever, what  6 your anticipated traffic count will be, how  7 you make that evaluation. So you have to  8 give us something to hang your hat on, hang  9 our hats on, other than, hey, suddenly they  10 pulled the rug out from under me. I get that  11 part.</p> <p>12 And I don't know what the  13 County Board will do with all these cases,  14 but my inclination is not to just say, well,  15 there's been a little snafu, so I guess  16 you're approved. You got to make the case  17 for why you -- why this rule should be  18 excused, why the thousand-foot rule should be  19 excused. And what I mean by why, I don't  20 mean, well, because we spent all this money.  21 It's because the reason for the rule is XYZ,  22 and in this circumstance we don't violate  23 that. We're not -- we don't create a heavy  24 concentration of traffic or whatever the</p>	<p>Page 22</p> <p>1 MR. PATEL: Okay, okay, okay.  2 CHAIRMAN KARTHOLL: We're within a  3 thousand feet, like right nextdoor, I guess,  4 of another gaming establishment.  5 MR. PATEL: But if we know that, we  6 not even start the process of doing anything.  7 CHAIRMAN KARTHOLL: I get that.  8 MR. PATEL: This is light cost, like  9 light cost stuff because we spend like  10 thousand of dollars, like hundred thousand of  11 dollars.  12 MR. HARRY PATEL: He's still paying  13 the rent every month.  14 CHAIRMAN KARTHOLL: You didn't hear  15 what I said.  16 MR. HARRY PATEL: I did. I did.  17 CHAIRMAN KARTHOLL: I cannot make the  18 decision based on how much it cost you.  19 Others can, policy makers can, I'm not a  20 policy maker.  21 MR. HARRY PATEL: I know, but, you  22 know, when we are -- they approved for the  23 building permits and everything has to go  24 through the zoning at that time. And at that</p>
<p>1 other purposes of this rule might be.  2 So, would you like to  3 maybe get some advice because I don't -- my  4 intention, I don't know what the other Board  5 members are, my intention is to distinguish  6 between these cases. And the people that  7 have come in here and said this isn't fair  8 because the County led me down the path and  9 now I'm told I can't be approved because I'm  10 too close to a church or whatever.  11 However, if people come in and say, yes, I'm  12 technically within a thousand feet of a, for  13 instance, a religious institution, but look  14 at these circumstances. The religious  15 institution is on the other side of a  16 highway; there's no traffic; it operates, you  17 know, two hours a week and I operate at  18 different times. So then there's reasons for  19 us to say, well, maybe we should grant a  20 variation.  21 MR. PATEL: Yeah. We are not, like,  22 close to no school.  23 CHAIRMAN KARTHOLL: I'm just using  24 that as an example.</p>	<p>Page 23</p> <p>1 time zoning approved that, and that's the  2 reason.  3 CHAIRMAN KARTHOLL: That's an estoppel  4 argument. I don't buy an estoppel argument  5 because there can be administrative mistakes.  6 But I'm not going to compound an  7 administrative mistake by saying somebody  8 else made a mistake, therefore I will approve  9 it.  10 MR. HARRY PATEL: Okay.  11 CHAIRMAN KARTHOLL: In my opinion. I  12 will exercise judgment based on an argument  13 that the reasons for the Ordinance don't  14 technically apply to this particular case, or  15 it will not be offensive, according to the  16 variation standards, if you grant this  17 petition because of the following reasons.  18 So I'm suggesting you need  19 to spend a little more money to develop those  20 -- I'm sorry, I don't mean to be facetious,  21 to develop those arguments. Because I'm far  22 more sympathetic to your circumstance than I  23 am for some of these other cases that just  24 come in and say, well, we did it because</p>

<p>1 we've been doing it for a long time.</p> <p>2 MR. PATEL: And also is what happened</p> <p>3 when we come to the, like, the DuPage County</p> <p>4 like when we apply for the, like, liquor</p> <p>5 license and the liquor license department</p> <p>6 also tell us that you have to go through the</p> <p>7 zonings and all that. And once you pass,</p> <p>8 come to us and pick up the license. So</p> <p>9 that's all we need, like, license.</p> <p>10 CHAIRMAN KARTHOLL: That's an estoppel</p> <p>11 argument.</p> <p>12 MR. PATEL: Okay, it's same thing.</p> <p>13 CHAIRMAN KARTHOLL: I'm not -- it's</p> <p>14 not -- it is not persuasive to me. It may be</p> <p>15 to the others, it may be to the full County</p> <p>16 Board that makes the final decision, and you</p> <p>17 can bet the ranch on that if you want. But</p> <p>18 I'm suggesting to you that we reschedule your</p> <p>19 case and you make some arguments that relate</p> <p>20 to the zoning, not we did all this stuff and</p> <p>21 now you're changing the rules on us.</p> <p>22 Understood?</p> <p>23 MR. PATEL: Yes.</p> <p>24 CHAIRMAN KARTHOLL: I don't know what</p>	Page 26	<p>1 MR. PATEL: For us that's all is</p> <p>2 bother us. Why? Because --</p> <p>3 CHAIRMAN KARTHOLL: I get it.</p> <p>4 MR. PATEL: Because we are in the like</p> <p>5 situations like we are in the debt right now</p> <p>6 with, like, not getting the liquor license.</p> <p>7 CHAIRMAN KARTHOLL: Do you understand</p> <p>8 that I'm trying to do you a favor?</p> <p>9 MR. PATEL: Okay.</p> <p>10 CHAIRMAN KARTHOLL: By telling you</p> <p>11 spend some time, come back and make an</p> <p>12 argument as to why you, based on the</p> <p>13 standards of zoning -- forget -- you know, if</p> <p>14 somebody --let me finish that sentence.</p> <p>15 Based on the zoning standards, you have an</p> <p>16 argument why you should be granted this</p> <p>17 relief, which incidentally lasts forever.</p> <p>18 The request you made lasts forever, so we can</p> <p>19 never go back on that because a variation</p> <p>20 lasts forever.</p> <p>21 I'm really -- honest to</p> <p>22 God, I'm trying to give you a break by</p> <p>23 allowing you time to develop some arguments</p> <p>24 based on the zoning. If I was your lawyer, I</p>	Page 28
<p>1 else to tell you. Does anybody have a</p> <p>2 different sense of this?</p> <p>3 COMMISSIONER MURPHY: No.</p> <p>4 CHAIRMAN KARTHOLL: Because I don't</p> <p>5 mean to be, you know, driving the bus here.</p> <p>6 MR. PATEL: We are, like, difficult</p> <p>7 situations right now. We've been 2023 we are</p> <p>8 working with this project long time and we</p> <p>9 are, like, end up with these things after,</p> <p>10 like, two year. And you have to, like, like</p> <p>11 that time is not like law change in 2024. If</p> <p>12 we know that, we stop right there. Because</p> <p>13 this is, like, life caused like stuff, like</p> <p>14 now we are in the some situation right here</p> <p>15 and not opening my business. And we keep</p> <p>16 going to pay there up to five year --</p> <p>17 CHAIRMAN KARTHOLL: Mr. Patel, that is</p> <p>18 a very common sense statement, but it has no</p> <p>19 place here because you've said it five times.</p> <p>20 And what I'm telling you is --</p> <p>21 MR. PATEL: But for us is, like,</p> <p>22 that's all is bother us.</p> <p>23 CHAIRMAN KARTHOLL: You have to</p> <p>24 address the Ordinance.</p>	Page 27	<p>1 would say, you know, these are the basic</p> <p>2 facts, this is the circumstance, here's the</p> <p>3 traffic, what can the reason for this be, for</p> <p>4 this Ordinance be? Well, is it based on a</p> <p>5 heavy concentration of traffic? Here's our</p> <p>6 anticipated customer flow, here's how long</p> <p>7 they stay, this is why I know that</p> <p>8 information because I'm experienced in this</p> <p>9 business, or I have these nationwide studies</p> <p>10 or whatever, but give us something that</p> <p>11 relates to zoning.</p> <p>12 MR. PATEL: Okay. When we come back</p> <p>13 again?</p> <p>14 CHAIRMAN KARTHOLL: I don't care.</p> <p>15 MR. PATEL: Like what is the next,</p> <p>16 like, you know --</p> <p>17 CHAIRMAN KARTHOLL: You tell us.</p> <p>18 MS. KIRBY: November 6th.</p> <p>19 CHAIRMAN KARTHOLL: Well, wait a</p> <p>20 minute. We've been going back and forth all</p> <p>21 day about the November 6th recommendation</p> <p>22 hearing, which we won't have because we don't</p> <p>23 have any cases. So we could make it -- we</p> <p>24 could set it for November 6th; right, is that</p>	Page 29

<p>1 okay with your schedule, Ashlyn?</p> <p>2 MS. KIRBY: Yeah, it's fine with me.</p> <p>3 We don't have to re-notify for this; right?</p> <p>4 CHAIRMAN KARTHOLL: No, I'm continuing</p> <p>5 it to a date certain right now.</p> <p>6 MS. KIRBY: Yeah, that should be fine.</p> <p>7 CHAIRMAN KARTHOLL: Is that next</p> <p>8 Thursday? Yeah. Can you do next Thursday?</p> <p>9 MR. PATEL: Yes.</p> <p>10 CHAIRMAN KARTHOLL: Can you get your</p> <p>11 team together by then?</p> <p>12 MR. PATEL: Okay.</p> <p>13 MR. HARRY PATEL: Probably we will</p> <p>14 need more time for surveys and everything.</p> <p>15 COMMISSIONER MORAN: Bob, could I jump</p> <p>16 in with a question?</p> <p>17 CHAIRMAN KARTHOLL: Yes.</p> <p>18 COMMISSIONER MORAN: I'm looking at my</p> <p>19 Google Maps and I look up 19W340 West Lake</p> <p>20 Street; is that correct, for your address,</p> <p>21 guys?</p> <p>22 MR. PATEL: No, we are 344.</p> <p>23 COMMISSIONER MORAN: Okay. So across</p> <p>24 the street, though, is that American Tap?</p>	Page 30	<p>1 Lacy's is there. There's already so many</p> <p>2 gaming is there, so what is, like, something</p> <p>3 is going to be like one more approval in that</p> <p>4 parking lot.</p> <p>5 CHAIRMAN KARTHOLL: Couldn't agree</p> <p>6 with you more as a common sense matter, and</p> <p>7 where does it end? We have this Ordinance.</p> <p>8 If we grant yours and these others, the next</p> <p>9 guy can come in and say I don't care what</p> <p>10 that rule says, you've set a precedent, I</p> <p>11 want one next to you. And what is the County</p> <p>12 going to say then?</p> <p>13 MR. PATEL: Then you can say we are,</p> <p>14 like, 2023 doing this stuff.</p> <p>15 MR. HARRY PATEL: Grandfathered.</p> <p>16 MR. PATEL: That time is not even,</p> <p>17 like, start this zoning. That time is no</p> <p>18 gaming at all that time.</p> <p>19 CHAIRMAN KARTHOLL: Nobody has made</p> <p>20 that argument of all of the cases that have</p> <p>21 been put before us.</p> <p>22 MR. HARRY PATEL: Like think of this</p> <p>23 way, I do construction so many times like,</p> <p>24 okay, we're building the restaurant and, all</p>	Page 32
<p>1 MR. PATEL: Yeah.</p> <p>2 COMMISSIONER MORAN: Is that the</p> <p>3 gaming place?</p> <p>4 MR. HARRY PATEL: Yes, I think it's a</p> <p>5 bar and brewery or restaurant. American Tap,</p> <p>6 yes.</p> <p>7 COMMISSIONER MORAN: Okay. Just like</p> <p>8 Bob said, advice is to see what's going on.</p> <p>9 He's giving you an excellent opportunity, I'm</p> <p>10 telling you that right now, because we can't</p> <p>11 look at what you've gone through.</p> <p>12 MR. HARRY PATEL: Okay.</p> <p>13 CHAIRMAN KARTHOLL: But others may. I</p> <p>14 don't -- we got a flood of these cases</p> <p>15 because of what appears to be some</p> <p>16 administrative errors. But, I'm just a chump</p> <p>17 that got asked to sit on the Zoning Board</p> <p>18 like these other guys. I don't fix problems</p> <p>19 or make policies. Others may. Others at the</p> <p>20 next level may say we don't care what the</p> <p>21 Zoning Board said, we're going to approve all</p> <p>22 of these or none of them, I don't know.</p> <p>23 MR. PATEL: Is already there like so</p> <p>24 many bars already. One bar is there like</p>	Page 31	<p>1 right, we got to --</p> <p>2 MR. PATEL: We building a gas station</p> <p>3 and then you guys come back and say no gas</p> <p>4 station, then what about, like, my money and</p> <p>5 like --</p> <p>6 THE COURT REPORTER: I can't take two</p> <p>7 people speaking at once, I'm sorry.</p> <p>8 MR. PATEL: Sorry.</p> <p>9 MR. HARRY PATEL: Sorry.</p> <p>10 So I've been building</p> <p>11 restaurants and gas stations and hotels and</p> <p>12 motels and after you've done the</p> <p>13 construction, hey, you cannot get occupancy,</p> <p>14 the zoning change and the neighborhood</p> <p>15 doesn't want it. I mean, it's -- this is the</p> <p>16 first case I have seen like after you build,</p> <p>17 the buildout is finished, you get the</p> <p>18 occupancy and then you can't get a license.</p> <p>19 CHAIRMAN KARTHOLL: That's a perfect</p> <p>20 argument to go to court.</p> <p>21 MR. HARRY PATEL: It never happened</p> <p>22 before.</p> <p>23 CHAIRMAN KARTHOLL: That is a perfect</p> <p>24 argument to go to court on administrative</p>	Page 33

<p>1 rule and complain that we made an arbitrary  2 and capricious decision. All this stuff  3 requires lawyers.</p> <p>4 MR. HARRY PATEL: Exactly. That's  5 what I'm saying, I think one week is not  6 enough. We need probably more time. We got  7 to get the lawyer, we got to get the surveys.</p> <p>8 CHAIRMAN KARTHOLL: Okay, I'll give it  9 to you.</p> <p>10 MR. HARRY PATEL: We got to study the  11 roads, we got to study late night traffic.  12 We got to -- there's a lot to do.</p> <p>13 CHAIRMAN KARTHOLL: Whatever you want.</p> <p>14 MR. PATEL: And we want small cafe,  15 it's not like something huge. It's only like  16 small bar.</p> <p>17 MR. HARRY PATEL: It's a thousand  18 square foot.</p> <p>19 MR. PATEL: It's not even thousand  20 square foot.</p> <p>21 CHAIRMAN KARTHOLL: And it lasts  22 forever and it sets a precedent and where  23 does it end? Where does it stop if we just  24 say, gee we have this rule, but we're looking</p>	Page 34	<p>1 story that you've told us seven times.  2 If you say I'm really not  3 going to be able to do that at the end of the  4 day, we'll make the decision, along with all  5 the others, based on the record that you made  6 tonight. And you may, indeed, get relief  7 from -- this goes now to essentially the  8 County Board in two different settings. We  9 don't make the final decision.</p> <p>10 So if you want to go with  11 that, then go with that. Or, I'll set you  12 for another hearing, you can decide later and  13 at the next hearing you can say I have  14 nothing else to offer, decide the case.  15 I don't care what you do.</p> <p>16 MR. PATEL: Okay. Can you have like  17 two weeks or something like about three  18 weeks?</p> <p>19 MR. HARRY PATEL: Can I let you know  20 over the email?</p> <p>21 MS. KIRBY: November 20th?</p> <p>22 CHAIRMAN KARTHOLL: No, we have to set  23 it right now.</p> <p>24 MR. HARRY PATEL: Okay, November 20th</p>	Page 36
<p>1 the other way with respect to 20 cases  2 because mistakes were made?</p> <p>3 MR. PATEL: And there is already four  4 cafe around me within mile.</p> <p>5 CHAIRMAN KARTHOLL: Okay.</p> <p>6 MR. PATEL: Like within mile.</p> <p>7 MR. HARRY PATEL: Question. You know  8 argument is like okay, we almost finish the  9 buildout, everything is done and now we are  10 like closing.</p> <p>11 CHAIRMAN KARTHOLL: I'm very  12 sympathetic to you.</p> <p>13 MR. HARRY PATEL: And then the  14 landlord is knocking the door on first.</p> <p>15 MR. PATEL: And we -- five year we  16 still got lease. We going stuck like five  17 year over there.</p> <p>18 CHAIRMAN KARTHOLL: Guys, let's  19 rethink this. I'm offering you the  20 opportunity to come back in a month if you  21 want and try to put some cogent arguments  22 together because I said you have a very  23 sympathetic circumstance and all you need to  24 do is address some zoning things, not the</p>	Page 35	<p>1 sounds fine.</p> <p>2 MS. KIRBY: November 20th at 6:00 p.m.</p> <p>3 CHAIRMAN KARTHOLL: Wait a second,  4 didn't you tell me -- so we're having 18, 19  5 and 20?</p> <p>6 MS. KIRBY: No, 19 and 20.</p> <p>7 CHAIRMAN KARTHOLL: Man, I'm so  8 confused. Before we went on the record in  9 the case you said we have two other cases, an  10 appeal and another case for the 19th and  11 20th.</p> <p>12 MS. KIRBY: We're looking at those  13 two, but if we're going to continue this --</p> <p>14 CHAIRMAN KARTHOLL: So he can take the  15 20th and you'll bump the next guy? Okay,  16 done.</p> <p>17 We'll set you for November  18 20 at 6:00 in this room; okay?</p> <p>19 MR. HARRY PATEL: All right.</p> <p>20 CHAIRMAN KARTHOLL: Excellent.</p> <p>21 Thank you, guys.</p> <p>22 MR. HARRY PATEL: Thanks for your  23 time.</p> <p>24 CHAIRMAN KARTHOLL: Thank you.</p>	Page 37

1                    We have no old business,  
2 no new business, and so we are adjourned for  
3 the evening.  
4                    Which were all the  
5                    proceedings had and  
6                    testimony taken in the  
7                    above-entitled cause.)  
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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,  
7 do hereby certify that at the request of the  
8 DU PAGE COUNTY ZONING BOARD OF APPEALS,  
9 subject to the usual terms and conditions of  
10 Veritext, reported in shorthand the  
11 proceedings had and testimony taken at the  
12 public hearing of the above-entitled cause,  
13 and that the foregoing transcript is a true,  
14 correct and complete report of the testimony  
15 so taken at the time and place hereinabove  
set forth.  
16  
17  
18

19                    *Linda M. Ciosek*  
20

21                    CERTIFIED SHORTHAND REPORTER  
22

23 My Commission Expires:  
24 July 26, 2026.

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