

DuPage County Zoning Board of Appeals Public Hearing

Zoning Case No. 25-000048 Lucky 7 Bistro

Moderated by Robert J. Kartholl

Thursday, November 20, 2025

6:02 p.m.

Jack T. Knuepfer Administration Building

421 North County Farm Road, Room 3-500B

Wheaton, IL 60187

Reported by: Haley Goodwin

JOB NO: 7550128

<div>Page 2</div> <div>1 APPEARANCES</div> <div>2 List of Attendees:</div> <div>3 Robert J. Kartholl, Chairman</div> <div>4 Jim Jarog, Member</div> <div>5 Dennis Moran, Member</div> <div>6 Jack L. Murphy, Member</div> <div>7 Zain Rahman, Member</div> <div>8 Carl Schultz, Member</div> <div>9 Ashlyn Kirby, Zoning Administrative Coordinator</div> <div>10 Brian J. Armstrong, Presenter</div> <div>11 Ranchhodbai "Harry" Patel, Petitioner</div> <div>12 Paul Hoss, Planning and Zoning Administration</div> <div>13 Coordinator</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div>	<div>Page 4</div> <div>1 PROCEEDINGS</div> <div>2 MR. KARTHOLL: Okay. All right. I'll</div> <div>3 call the meeting to order.</div> <div>4 This is the DuPage County Zoning Board</div> <div>5 of Appeals, November 20, 2025, meeting. We have --</div> <div>6 I'll indicate that all of the members are present with</div> <div>7 the exception of Mr. Rahman, who wishes to be admitted</div> <div>8 remotely.</div> <div>9 We need to take a motion to admit him</div> <div>10 remotely. Reason for -- is, well, he has a business</div> <div>11 conflict. So move a motion to admit.</div> <div>12 MR. MORAN: Motion.</div> <div>13 MR. KARTHOLL: Motion by Mr. Moran.</div> <div>14 MR. SCHULTZ: Second.</div> <div>15 MR. KARTHOLL: Second by Mr. Schultz.</div> <div>16 Is there any discussion on the motion?</div> <div>17 All in favor of the motion signify by saying Aye.</div> <div>18 MR. MORAN: Aye.</div> <div>19 MR. SCHULTZ: Aye.</div> <div>20 MR. KARTHOLL: The opposed? Mr. Rahman</div> <div>21 will be admitted.</div> <div>22 We have no minutes to approve. We have</div> <div>23 one continued case. This is a continuation of the</div> <div>24 case first heard on October 30, 2025, which is a</div>
<div>Page 3</div> <div>1 EXHIBITS</div> <div>2 NO. DESCRIPTION PAGE</div> <div>3 Exhibit 1 Survey 7</div> <div>4 Exhibit 2 Invoice for G1 Gaming License,</div> <div>5 Dated May 12, 2025 7</div> <div>6 Exhibit 3 Fire Department Approval 7</div> <div>7 Exhibit 4 Building Permit, Issued 11/6/2023 7</div> <div>8 Exhibit 5 Certificate of Occupancy 7</div> <div>9 Exhibit 6 Color Printout from County GIS 7</div> <div>10 Exhibit 7 Aerial Photo of Subject Property 7</div> <div>11 Exhibit 8 Aerial Photo of Subject Property</div> <div>12 with Higher Perspective 7</div> <div>13 Exhibit 9 Petition Signatures 7</div> <div>14 Exhibit 10 Letter from Owner of Royal Liquor 7</div> <div>15 Exhibit 11 Summary of Costs Incurred 7</div> <div>16 Exhibit 12 Project Narrative 7</div> <div>17 Exhibit 13 Authorization for Legal</div> <div>18 Representation 7</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div>	<div>Page 5</div> <div>1 variation to allow video gaming cafe restaurant within</div> <div>2 a thousand feet of an existing video gaming cafe</div> <div>3 restaurant, video gaming terminal establishment. And</div> <div>4 Mr. Armstrong is now representing the petitioner. So</div> <div>5 I'll ask Mr. Armstrong to take over.</div> <div>6 MR. ARMSTRONG: Thank you, Mr.</div> <div>7 Kartholl. Nice to see you everyone again. Brian</div> <div>8 Armstrong for the applicant. Just one --</div> <div>9 MR. KARTHOLL: Let's, let's have you --</div> <div>10 MR. ARMSTRONG: Sworn.</div> <div>11 MR. KARTHOLL: -- be sworn in.</div> <div>12 You're -- I guess you guys can be sworn in again. You</div> <div>13 were first time, but everybody raise your hand.</div> <div>14 THE REPORTER: Okay.</div> <div>15 Do you solemnly swear the testimony</div> <div>16 given in tonight's cause will be the truth, the whole</div> <div>17 truth, and nothing but the truth?</div> <div>18 MR. KARTHOLL: I do.</div> <div>19 THE REPORTER: Thank you.</div> <div>20 MR. ARMSTRONG: I do.</div> <div>21 MR. KARTHOLL: Sorry.</div> <div>22 MR. ARMSTRONG: That's all right. I</div> <div>23 know there were some exhibits marked last time. I</div> <div>24 have tried to duplicate those and I've added some</div>

<p style="text-align: right;">Page 6</p> <p>1 exhibits, so I'll just run through the exhibits. You 2 have the packets. 3 Exhibit 1 is a survey. 4 Exhibit 2 is a copy of an invoice for a 5 G1 gaming license, dated May 12, '25. And at the 6 bottom of that is a copy of a check to pay for that 7 license, dated -- check dated May, 19, '25. 8 Exhibit 3 is the fire department 9 recommendation for approval. 10 Exhibit 4 is the issued building 11 permit, dated 11/6/2023. 12 Exhibit 5 is the certificate of 13 occupancy, dated March 20, 2025. 14 Exhibit 6 is a color printout from the 15 county's GIS website. And the purpose of this exhibit 16 is to show the board that -- you see this little -- we 17 have this little island of unincorporated area where 18 the subject property is surrounded -- completely 19 surrounded by Incorporated Village of Addison. 20 So this is just a visual, so you get to 21 see how it is the property's totally surrounded by 22 Incorporated Village of Addison. 23 Next is Exhibit 7, which is an aerial 24 photo of the property. Property's in the center,</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. ARMSTRONG: I will try to minimize 2 how much I repeat what you heard for the first 3 hearing. I know you don't want to hear it again, but 4 some of it'll be duplicative because you know these 5 applicants currently rent the space at 19 W 344 Lake 6 Street in Addison, which is zoned B2. And of course 7 the gaming use is permitted use in B2. 8 They applied for a gaming license back 9 in 2023, as you know. And as you heard last time, 10 expended quite a bit of money, and then we figured out 11 it's about \$250,000 in getting to this point now. 12 And then when they applied for the 13 gaming permit, and when they were -- when they applied 14 for the building permit, and when they were issued the 15 building permit, of course, this 1000-foot restriction 16 was not in place. That didn't occur until about June 17 of '24. They were well into their project for that, 18 had done work on build-out and had spent a lot of 19 money by that time. 20 So -- and I know Mr. Kartholl had some 21 comments about estoppel. I know that goes, you know, 22 partially as part of an estoppel argument, but it also 23 is to explain some of the hardship here that they've 24 suffered.</p>
<p style="text-align: right;">Page 7</p> <p>1 showing some of the nearby businesses, of -- across 2 the street and next door. 3 Exhibit 8 is also an aerial, but from a 4 slightly higher perspective, so it shows more of the 5 surrounding area. 6 Exhibit Number 9 is our petition 7 signatures that the applicants secured from neighbors 8 and nearby businesses stating that they do not object 9 to their proposed use. 10 Exhibit 10 is a letter from the owner 11 of Royal Liquor in the same strip mall, stating that 12 he does not object to the gaming cafe that the 13 applicants are applying for. 14 Exhibit 11 as a summary of costs 15 incurred in trying to open the store. 16 Exhibit 12 is a project narrative. 17 I'll go through most of that. 18 And Exhibit 13 is just the applicant's 19 authorization for me and my firm to act on their 20 behalf tonight. 21 MR. KARTHOLL: Okay. They're all 22 admitted. 23 (Exhibits 1 through 13 were marked for 24 identification.)</p>	<p style="text-align: right;">Page 9</p> <p>1 They've proposed to operate six 2 machines at the location. They are experienced gaming 3 cafe owners. They own other gaming cafes. Based on 4 that experience, they know that they'll get about 5 three to four guests per hour. Those guests will stay 6 an average of 30 to 40 minutes. 7 Of course, they do offer alcohol for 8 sale. In their experience, very few of the guests 9 actually consume alcohol. If they do, they might have 10 one glass of wine, one beer. That's all they sell. 11 No hard liquor, just beer and wine. 12 And they -- you know, the owners, or 13 the operators limit customers to four drinks during 14 their visit. So nobody could have more than four 15 drinks when they're there. The location would be open 16 from 9 a.m. to 1 a.m. on weekdays, and until 2 a.m. on 17 weekends. 18 I think you're -- you're probably all 19 familiar with Lake Street. It's two lanes each 20 direction plus a center turn lane, so a five-lane 21 road. Very heavily traveled, very busy road. A lot 22 of commercial businesses with this particular 23 location. 24 Just to the east is a tattoo shop and</p>


<p style="text-align: right;">Page 10</p> <p>1 an auto repair shop. Across the street, on the south  2 side of Lake Street is three fast food restaurants,  3 and a Jiffy Lube, and the American Tap bar and  4 restaurant. And then to the west, there's a retail  5 tile store and a massage facility.  6 They completed their build-out work in  7 March of '25. And then after that is when they  8 learned about the 1000 foot restriction that had been  9 put in place.  10 As I said, that restriction didn't  11 exist when they started this process. I showed you  12 the exhibit, Exhibit 6, which depicted how the  13 property is totally surrounded by Village of  14 Addison -- Incorporated Village of Addison.  15 Village of Addison does not have 1000  16 foot restriction. In fact, they don't have any  17 restriction in their ordinance at all as far as  18 distance between facilities.  19 So in Addison, you see American Tap  20 across the street has a facilities -- has gaming.  21 Millie's Pancake, just a couple doors down on Lake  22 Street, also has gaming. There's a Lacey's Tavern a  23 little bit farther down Lake Street, on the north side  24 of Lake Street. It also has gaming.</p>	<p style="text-align: right;">Page 12</p> <p>1 the County Board selected 1000 feet.  2 I know from my work doing zoning that  3 that's a common barrier, common distance separation  4 requirement that's imposed by a lot of municipalities,  5 and typically it's imposed on, like, vice-type uses.  6 Alcohol, tobacco, adult uses.  7 And it originated -- part of the --  8 part of the origination of -- for it was to address  9 potential concerns about negative secondary effects  10 from these uses, most especially adult uses. That's  11 where you see this reasoning most often, is, you know,  12 the potential negative secondary effects from these  13 uses, so we want to keep distance between them.  14 They're -- that doesn't really apply  15 here. That doesn't apply here for a couple of  16 reasons. There's no school within a thousand feet.  17 There's no church within a thousand feet. The Royal  18 Liquor, as I said, is not operating.  19 I think what Addison has done, I think,  20 is really probably the best evidence of why that --  21 this thousand feet does not apply here, and why those  22 negative secondary effects are not a justification for  23 it at this location, here because Addison has so many  24 gaming facilities, and all so close together, and they</p>
<p style="text-align: right;">Page 11</p> <p>1 And the only gaming facility within a  2 thousand feet that is in unincorporated DuPage County  3 is the Royal Liquor store that is in the same strip  4 mall. Royal Liquor was not licensed for gaming when  5 the applicant started this process. And in fact, they  6 currently still do not have a gaming license from the  7 State of Illinois.  8 So they're not operating per gaming  9 currently because they're not permitted by the state  10 to do so yet. I think that, you know, should -- I  11 think that means that the 1000 foot restriction that  12 the county enacted shouldn't apply to these applicants  13 because that nearby facility is not operating from  14 gaming because the state hasn't licensed them.  15 Also, Royal Liquor is a completely  16 different type of facility. It's a liquor store that  17 sells packaged liquor and has gaming. The applicants  18 here are going to have a gaming cafe where primary  19 purpose and use will be the gaming. Selling alcohol  20 for consumption on site is ancillary to the use.  21 The -- talk briefly about the 1000 foot  22 separation. You know, I did some research, tried to  23 find information, and I was not able to locate any  24 legislative history from the County Board as to why</p>	<p style="text-align: right;">Page 13</p> <p>1 don't have any problem with it.  2 We -- I've never been made aware of any  3 issues within Addison with their gaming facilities.  4 You don't hear about people getting arrested at gaming  5 facilities, or coming out of gaming facilities about  6 violence, or fights at gaming facilities. I've never  7 heard that.  8 So the -- the reason for the thousand  9 foot separation really doesn't apply here. In  10 addition to the fact that it's probably not even  11 triggered since Royal Liquor is not operating as  12 gaming.  13 I will quickly go through, try to  14 quickly go through how the applicant meets the  15 standards for variation. And some of this may be  16 repetitive, so I apologize.  17 First standard, "that there are  18 practical difficulties or particular hardships  19 carrying out the strict letter zoning ordinance." As  20 I said, the Royal Liquor was not in place when they  21 applied, and when they started, and before they  22 expended all this money.  23 They would not have spent all this  24 money and time on this process had they known that</p>

<p style="text-align: right;">Page 14</p> <p>1 1000 foot restriction would be applied to them. If  2 they're not permitted to open, they're -- they will  3 default on their lease. They will not be able to pay  4 their lease. That lease will be defaulted. This --  5 the facility will not open and they will have lost all  6 of that time and money.  7 And I know how much money they spent is  8 not necessarily a zoning consideration, but the  9 hardship that results from losing that lease is  10 relevant to whether they should get a variation  11 because it is a real hardship.  12 "The use of variation would be in  13 harmony with their general purpose and intent." It  14 would not be injurious to the neighborhood because I  15 said, as you know, gaming facilities like this are  16 permitted uses in B2, in this district. So that's a  17 legislative determination by the County Board that  18 such a use is in harmony with the zoning code and is  19 not injurious or detrimental to the neighborhood.  20 Also, as I said, the area is already  21 very heavily commercial with fast food restaurants,  22 bars, Jiffy Lubes, auto repair, and auto service  23 stations. So there, you know, having a couple people  24 come in per hour to the gaming is not going to result</p>	<p style="text-align: right;">Page 16</p> <p>1 the land.  2 "Will not unduly increase traffic  3 congestion in the public streets and highways," for  4 all the reasons I said already about the use and  5 the -- their level of use from customers. There are  6 16 parking spaces in this parking lot, which is, you  7 know, certainly more than adequate for an average of  8 three -- three to four customers per hour.  9 "It will not increase potential for  10 flood damage to adjacent property." Since they're not  11 doing any modification to the outside of the building.  12 They only modify the inside of the building.  13 "It will not incur additional public  14 expense for fire protection." As I mentioned, one of  15 the exhibits is the fire department -- fire protection  16 district's recommendation of approval.  17 And then the last one, "that it will  18 not impair public health, safety and welfare."  19 Obviously, the County has determined that gaming is  20 permissible, and these types of facilities generally  21 do not have negative effects on the public, which is  22 why they allow them.  23 Of course, the Village of Addison, even  24 though this is not in the Village of Addison, it's</p>
<p style="text-align: right;">Page 15</p> <p>1 in any adverse consequence to the neighborhood.  2 They -- when they operate the gaming  3 of -- their gaming facilities, they do check IDs, of  4 course, because they sell alcohol. So they have to be  5 vigilant about checking IDs, which they do. They do  6 not allow underage people to enter the gaming portion  7 or the gaming facility.  8 As I said, this is not going to  9 generate a lot of traffic. It's not going to generate  10 a lot of foot traffic. It's not going to generate a  11 lot of car traffic with, well, about three customers  12 per hour on average.  13 The next standard, "Will not imply an  14 adequate supply of light and air." They're not  15 proposing to do any exterior -- they have not done  16 exterior modifications to the building. So it's not  17 going to have any effect in that regard.  18 Fourth standard, "Will it diminish the  19 value of the land and the building in the vicinity."  20 Again, given the heavy traffic area and the uses  21 already existing at this location, and that the County  22 has already determined that this use is appropriate in  23 this district, their use will not value the land and  24 granting the variation will not decrease the value of</p>	<p style="text-align: right;">Page 17</p> <p>1 surrounded by Addison, they have the same opinion  2 because they have -- they allow gaming facilities  3 without any restriction of their own on how far apart  4 they have to be.  5 The facility -- the other locations  6 that are in Addison, as I said, also demonstrate that  7 there's no injury to the public from these uses and  8 there wouldn't be an injury if the variation is  9 granted.  10 So I think for those reasons, the  11 applicant does meet the standards for the variation,  12 and we respectfully request that you recommend  13 approval of the variation from the 1000 foot distance  14 separation at large.  15 MR. KARTHOLL: Okay. Thank you.  16 Mr. Armstrong, on your Exhibit 6, could  17 you show us the location of the Royal Liquor facility?  18 MR. ARMSTRONG: Yeah, so the -- there's  19 a property line there that's about two-thirds, you  20 know, about two-thirds of the lot is west of the  21 property line, and one-third of the lot is east of the  22 property line. Do you follow me there?  23 MR. KARTHOLL: Yep.  24 MR. ARMSTRONG: Okay, so east of the</p>

<p style="text-align: right;">Page 18</p> <p>1 property line is a tattoo shop. Okay. Now, west of  2 the property line, there is the -- the applicant's  3 facility, which is at the western edge of the building  4 that's shown on that exhibit. Then, the next unit in  5 that building, to the east, is where the Royal Liquor  6 is. And then, to the east of Royal Liquor there is a  7 pawn shop.  8 MR. KARTHOLL: Is there anything else  9 in there besides those two? The pawn shop --  10 MR. ARMSTRONG: No.  11 MR. KARTHOLL: Okay.  12 MR. ARMSTRONG: So those are the three  13 units in that building.  14 MR. KARTHOLL: So the 1000 feet is,  15 like, right next door?  16 MR. ARMSTRONG: Yes.  17 MR. KARTHOLL: Okay. I don't have any  18 other questions. Anybody have any questions?  19 MR. MORAN: I don't have any.  20 MR. SCHULTZ: I have one.  21 MR. KARTHOLL: Just go right ahead.  22 MR. SCHULTZ: The health department  23 commented that the facility will not meet Health Code  24 Chapter 18 -- 18, I want to say it's 303.5. And I</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. HOSS: Correct.  2 MR. KARTHOLL: All right. We'll let  3 them resolve that -- I think that's resolved.  4 MR. ARMSTRONG: Okay. Yeah, and my --  5 my client just advised me. He believes he has an  6 email from the health department, I think, saying they  7 are okay with it. He had some follow-up discussion  8 with them. I don't have that. I can, like -- if I  9 get that, I can submit that as an exhibit, if you'd  10 like.  11 MR. KARTHOLL: Well, yeah, that would  12 be helpful. I mean it seems to me that if the  13 health -- the -- what's before the board at this  14 moment is the health department has a general  15 objection that says certain section of code, follow-up  16 information from the staff is, that's not applicable  17 because food won't be served.  18 The testimony from the -- in this case  19 has not been that food would be served, just liquor.  20 MR. ARMSTRONG: Correct.  21 MR. KARTHOLL: So it's all academic,  22 but your email would be of benefit.  23 All right. Any other questions?  24 All right, well we can close the</p>
<p style="text-align: right;">Page 19</p> <p>1 was -- did you address that?  2 MR. ARMSTRONG: Let's see. I see where  3 there's the comment from the health department, but I  4 don't see what their actual objection is.  5 MR. KARTHOLL: Well, it doesn't say.  6 It just says, "will not meet that particular section  7 of the health code." Mr. Hoss, do you have any  8 information about that?  9 MR. PATEL: I did, and --  10 MR. HOSS: It's my understanding --  11 MR. PATEL: -- clearance from them --  12 MR. KARTHOLL: Okay. Wait, wait, wait.  13 Sir, talk to me.  14 MR. HOSS: Okay. Paul Hoss, DuPage  15 County Building and Zoning. It's my understanding  16 that because this is considered a -- as a video gaming  17 cafe, there's the presumption that there could be food  18 being served here, and being developed on the  19 property. And that's what the objection is from the  20 health department. But it's my understanding that  21 this is only going to be liquor and video gaming.  22 MR. KARTHOLL: So the health department  23 is -- in the event that there's foods to be served,  24 they may have a health department issue?</p>	<p style="text-align: right;">Page 21</p> <p>1 hearing, and it seems to me the record is complete, so  2 we can consider this at our December 4 recommendation  3 meeting, which is 5:30.  4 There's quite a number of these cases,  5 all of which are really -- while they appear to be  6 identical requests, they all have unique fact  7 patterns, and so it's going to be a real marathon to  8 keep them all straightened, and render our  9 recommendations. But it's 5:30 on December 4th.  10 MR. SCHULTZ: Okay, great.  11 MR. KARTHOLL: Thank you very much.  12 I'll indicate there's no old business,  13 no new business. So we are ready to adjourn.  14 (Whereupon, the meeting concluded at  15 6:25 p.m.)  16  17  18  19  20  21  22  23  24</p>

## 1 CERTIFICATE

2 I, HALEY GOODWIN, the officer before whom  
 3 the foregoing proceedings were taken, do hereby  
 4 certify that any witness(es) in the foregoing  
 5 proceedings, prior to testifying, were duly sworn;  
 6 that the proceedings were recorded by me and  
 7 thereafter reduced to typewriting by a qualified  
 8 transcriptionist; that said digital audio recording of  
 9 said proceedings are a true and accurate record to the  
 10 best of my knowledge, skills, and ability; that I am  
 11 neither counsel for, related to, nor employed by any  
 12 of the parties to the action in which this was taken;  
 13 and, further, that I am not a relative or employee of  
 14 any counsel or attorney employed by the parties  
 15 hereto, nor financially or otherwise interested in the  
 16 outcome of this:



17 HALEY GOODWIN  
 18 Notary Public in and for the  
 19 State of Illinois  
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 22  
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## 1 CERTIFICATE OF TRANSCRIBER

2 I, TYLER CURTH, do hereby certify that this  
 3 transcript was prepared from the digital audio  
 4 recording of the foregoing proceeding, that said  
 5 transcript is a true and accurate record of the  
 6 proceedings to the best of my knowledge, skills, and  
 7 ability; that I am neither counsel for, related to,  
 8 nor employed by any of the parties to the action in  
 9 which this was taken; and, further, that I am not a  
 10 relative or employee of any counsel or attorney  
 11 employed by the parties to the action.  
 12 otherwise interested in the outcome of this action.



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15 TYLER CURTH  
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<b>1</b> 3:3 6:3 7:23 9:16 <b>10</b> 3:14 7:10 <b>1000</b> 8:15 10:8 10:15 11:11,21 12:1 14:1 17:13 18:14 <b>11</b> 3:15 7:14 <b>11/6/2023</b> 3:7 6:11 <b>12</b> 3:5,16 6:5 7:16 <b>13</b> 3:17 7:18,23 <b>16</b> 16:6 <b>18</b> 18:24,24 <b>19</b> 6:7 8:5	<b>4</b> <b>4</b> 3:7 6:10 21:2 <b>40</b> 9:6 <b>421</b> 1:12 <b>4th</b> 21:9	<b>a.m.</b> 9:16,16,16 <b>ability</b> 22:10 23:7 <b>able</b> 11:23 14:3 <b>academic</b> 20:21 <b>accurate</b> 22:9 23:5 <b>act</b> 7:19 <b>action</b> 22:12,16 23:8,12 <b>actual</b> 19:4 <b>actually</b> 9:9 <b>added</b> 5:24 <b>addison</b> 6:19 6:22 8:6 10:14 10:14,15,19 12:19,23 13:3 16:23,24 17:1 17:6 <b>addition</b> 13:10 <b>additional</b> 16:13 <b>address</b> 12:8 19:1 <b>adequate</b> 15:14 16:7 <b>adjacent</b> 16:10 <b>adjourn</b> 21:13 <b>administration</b> 1:11 2:12 <b>administrative</b> 2:9	
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