



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

630-407-6700
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www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Board of Appeals

DATE: December 4, 2025

RE: **ZONING-25-000046 Penny's Place – Blackhawk (Milton/District 4)**

Development Committee: January 6, 2026:

Zoning Board of Appeals: December 4, 2025: The Zoning Board of Appeals recommended to deny the following zoning relief:

1. Conditional Use to allow a video gaming café restaurant in a B-1 Local Business Zoning District.
2. Variation to allow a video gaming café restaurant within 1,000 feet of a place of assembly and school.
3. Variation to allow a video gaming terminal establishment within 1,000 feet of an existing video gaming café restaurant/video gaming terminal establishment.

ZBA VOTE (to Deny): 6 Ayes, 0 Nays, 0 Absent

FINDINGS OF FACT:

1. That petitioner testified that the subject zoning relief is for a Conditional Use to allow a video gaming café restaurant in a B-1 Local Business Zoning District, a Variation to allow a video gaming café restaurant within 1,000 feet of a place of assembly and school, and a Variation to allow a video gaming terminal establishment within 1,000 feet of an existing video gaming café restaurant/video gaming terminal establishment.
2. That petitioner testified that the subject property has been operating since May of 2022.
3. That petitioner testified that since the property has been operating there have been no police activity, no detrimental issues to the neighborhood, and no violations related to public health.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** sufficient evidence that the proposed Variation will not impair an adequate supply of light and air to adjacent property.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** sufficient evidence that the proposed Variation will not increase the hazard from fire or other dangers to said property.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** that the proposed Variation will not diminish the value of land and buildings throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated** sufficient evidence that the proposed Variation will not unduly increase traffic congestion in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has not demonstrated** sufficient evidence that the proposed Variation will not increase the potential for flood damages to adjacent property.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** sufficient evidence that the proposed Variation will not incur additional public expense for flood protection, rescue, or relief.
 - g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has not demonstrated** sufficient evidence that the proposed video gaming café restaurant will not impair the public health, safety, comfort, morals, or general welfare.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** that the proposed video gaming terminal establishment would impair an adequate supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** that the proposed video gaming terminal establishment would not increase the hazard from fire or other dangers to said property.

- c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** that the proposed video gaming terminal establishment will not diminish the value of land and buildings throughout the County.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated** that the proposed video gaming terminal establishment will not unduly increase traffic congestion in the public streets and highways.
- e. Increase the potential for flood damages to adjacent property as petitioner **has not demonstrated** that the proposed video gaming terminal establishment will not increase the potential for flood damages to adjacent property.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** that the proposed video gaming terminal establishment will not incur additional public expense for flood protection, rescue or relief.
- g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has not demonstrated** that the proposed video gaming terminal establishment will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage Count

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER	ZONING-25-000046 Penny's Place – Blackhawk	
ZONING REQUEST	1. Conditional Use to allow a video gaming café restaurant in a B-1 Local Business Zoning District. 2. Variation to allow a video gaming café restaurant within 1,000 feet of a place of assembly and school. 3. Variation to allow a video gaming terminal establishment within 1,000 feet of an existing video gaming café restaurant/video gaming terminal establishment.	
OWNER	FISCHER & HOGAN LLC, 1590 W ALGONQUIN RD, UNIT 223, HOFFMAN ESTATES, IL 60192	
ADDRESS/LOCATION	22W535 BUTTERFIELD RD, GLEN ELLYN, IL 60137	
PIN	05-35-107-035	
TWSP./CTY. BD. DIST.	MILTON	DISTRICT 4
ZONING/LUP	B-1 LOCAL BUSINESS	LOCAL COMMERCIAL
AREA	1.40 ACRES / 60,984 SQ FT	
UTILITIES	WATER/SEWER	
PUBLICATION DATE	Daily Herald: OCTOBER 15, 2025	
PUBLIC HEARING	OCTOBER 29, 2025	

ADDITIONAL INFORMATION:

Building:	No Objection.
DUDOT:	No Objection.
Health:	No Objection. Additional information may be required at time of permit application.
Stormwater:	Our office has no jurisdiction in this matter.
Public Works:	"DPC Public Works doesn't own any sewer or water mains in this area."
EXTERNAL:	
City of Wheaton	Objects. See attached.
Village of Glen Ellyn:	Objects. See attached.
Village of Downers Grove:	No Comment.
Village of Lombard:	"As the subject property is outside the planning boundary of the Village of Lombard, staff has no comment on this petition."
Milton Township:	<i>No Comments Received.</i>
Milton Township Highway Dept:	No Objection. Additional information may be required at time of permit application.
Lisle-Woodridge Fire District:	<i>No Comments Received.</i>
Sch. Dist. 89:	<i>No Comments Received.</i>
Sch. Dist. 87	<i>No Comments Received.</i>
College of DuPage 502:	<i>No Comments Received.</i>
Forest Preserve:	No Comments.

LAND USE:

Location	Zoning	Existing Use	LUP
Subject	B-1 LOCAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL
North	R-5 MULTIPLE FAMILY	RESIDENTIAL	0-5 DU PER ACRE
South	R-6 MULTIPLE FAMILY	RESIDENTIAL	0-5 DU PER ACRE
East	R-6 MULTIPLE FAMILY	RESIDENTIAL	0-5 DU PER ACRE
West	B-1 LOCAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL

[illegible]

REARWALL AND PARTS IN THE NORTH PART OF
SAY 1/2 OF BUTTERFIELD ROAD BOWNE
HUNTSVILLE, PER BOOK 46, PAGE 18.

40,000 SQUARE FEET
1.454 ACRES

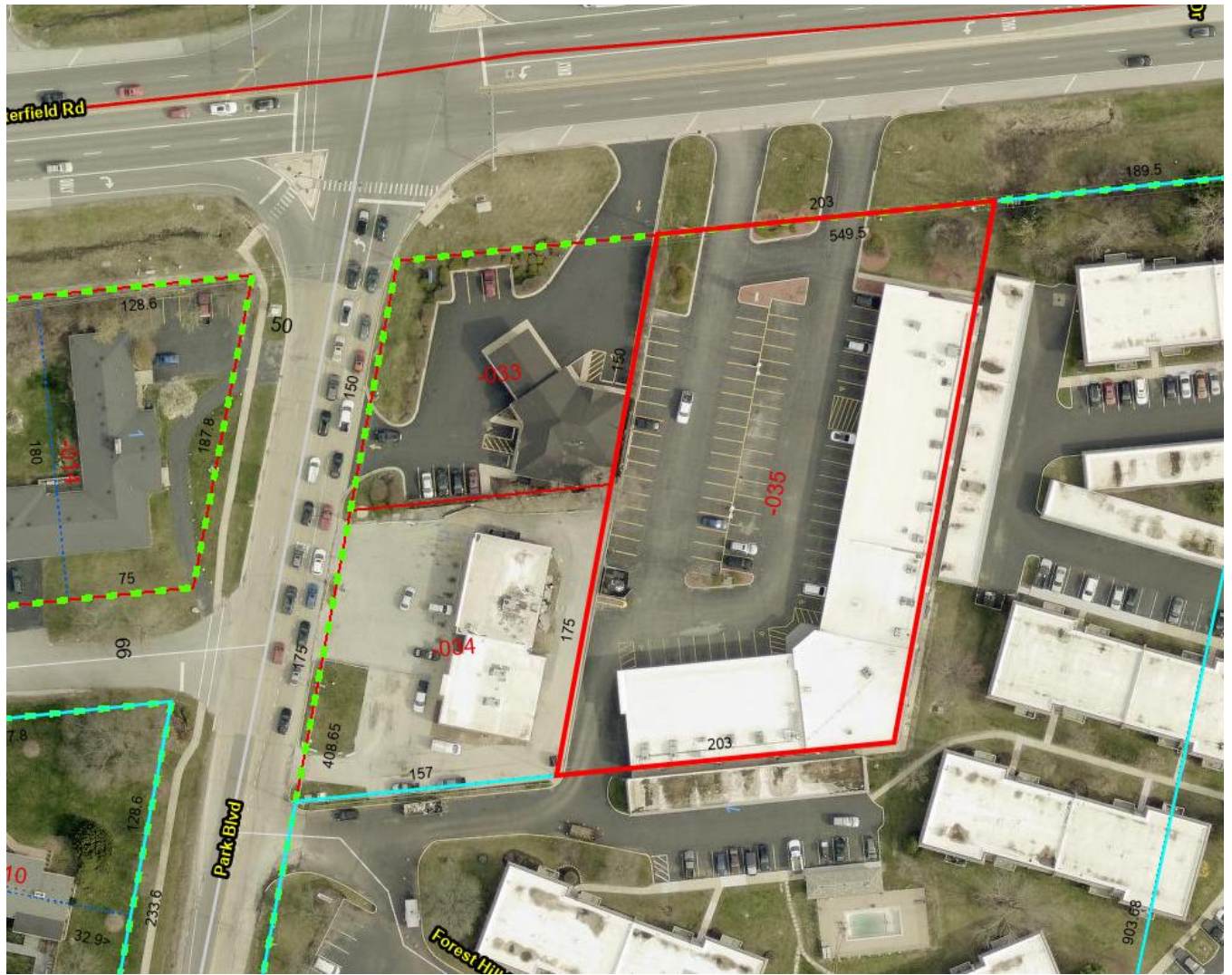
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JOINT RESEARCH HAS PROVIDED
BY ALL NUTRITION COMMUNITIES
THE EUROPE REPORT

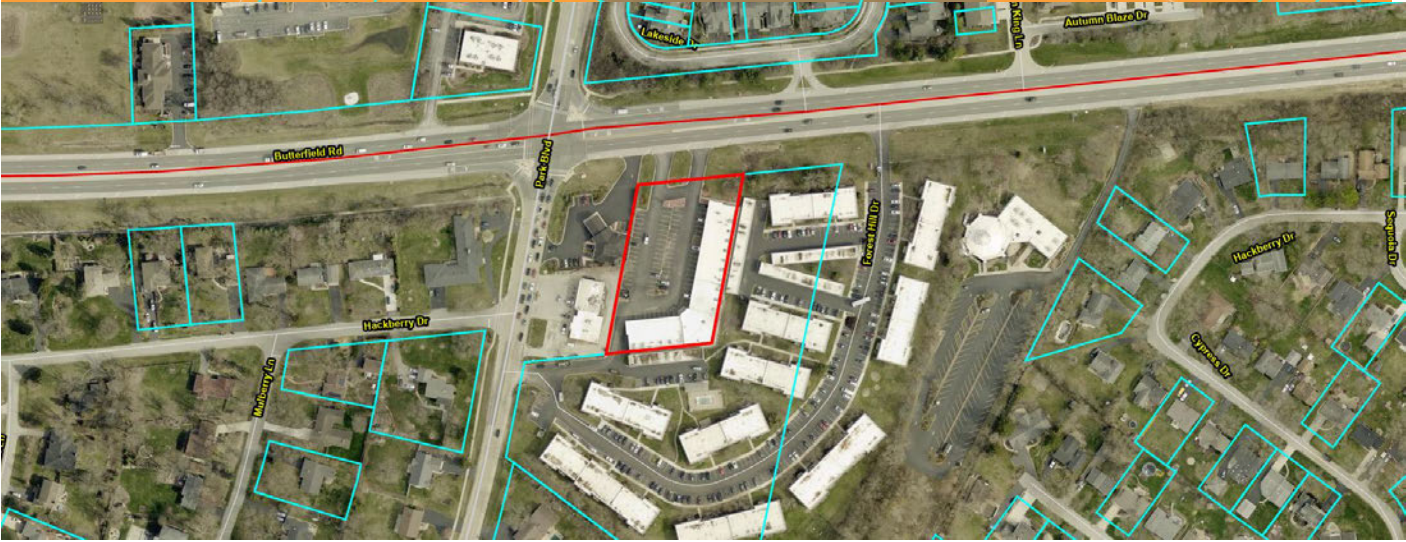
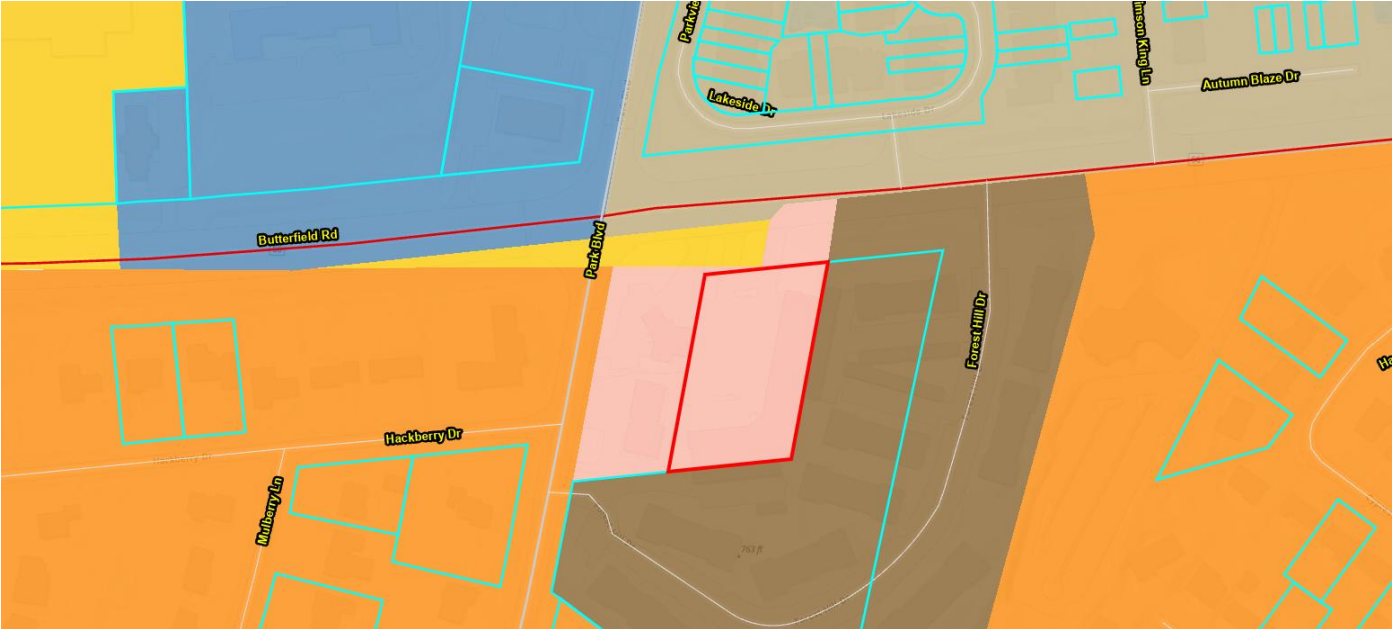
REVENUE, LESS THE

ANNUAL RISK	REMARKS	PERFORM. RATIONALE
PERFORM. RISK	0-1	NONE
ANNUAL RISK	0.1-0.5	
ANNUAL RISK	0.5-1	
ANNUAL RISK	1-2	
ANNUAL RISK	2-3	
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ANNUAL RISK	99-100	









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Ms. Ashlyn,

On October 20, 2025, the Wheaton City Council reviewed DuPage County Zoning Notification - ZONING-25-000046 Penny's Place - Blackhawk requesting a conditional use and variations pertaining to a video gaming cafe restaurant.

The Mayor and City Council unanimously directed City staff to inform the County that the City of Wheaton has an objection or concern regarding the petition. In their review of the matter, the Mayor and City Council found that the request, seeking a variation for the distance from an assembly use represents a 60% reduction from the zoning requirement, and the co-location of two gaming establishments at the same property effectively circumvents the County's zoning requirements altogether.

The Mayor and City Council further found that the requests are excessive, and the petition will be injurious to the neighborhood, negatively impact public welfare, or otherwise affect the public health, safety, comfort, or morals of the residents of DuPage County.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions you may have.

James Kozik, AICP

Director of Planning and Economic Development

City of Wheaton

www.wheaton.il.us

[630.260.2008](tel:630.260.2008) desk

[630.688.2000](tel:630.688.2000) cell



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-25-000046 Penny's Place – Blackhawk

Please review the information herein and return with your comments to:
Ashlyn Kirby, DuPage County Building and Zoning Department, 421 North County Farm Road,
Wheaton, Illinois 60187; or via email at Ashlyn.Kirby@dupagecounty.gov or via facsimile at 630-
407-6702 by **October 28, 2025**.

COMMENT SECTION:	
: OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
: NO OBJECTION/CONCERNS WITH THE PETITION	
: NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.	
ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
<input checked="" type="checkbox"/> I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
COMMENTS: The subject property is located within the planning jurisdiction of the Village of Glen Ellyn. Section 3-2-18(B) of the Village Code prohibits video gaming within the corporate limits of the Village of Glen Ellyn. If the property were to be annexed to the Village at any time in the future, the property will be required to cease operation and remove the video gaming terminals from the property.	
<div style="background-color: black; width: 200px; height: 40px; margin: 0 auto;"></div>	
SIGNATURE	DATE: 10/16/2024
MUNICIPALITY: Village of Glen Ellyn Community Development Department.	
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PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.