

VILLAGE OF BARRINGTON HILLS

Zoning Board of Appeals



Tuesday, September 9, 2014 ~ 7:00 pm
Countryside School – 205 W. County Line Road
NOTICE OF SPECIAL MEETING

AGENDA

1. Organizational
 - 1.1 Call to Order
 - 1.2 Roll Call

PUBLIC HEARING

2. Text Amendment – Drury
Section(s) 5-2-1, 5-3-4, 5-10-7
3. Text Amendment – Hammond
Section (new) 5-3-14
4. [Accept] Continue Public Hearing, if it does not close, to September 11, 2014

PUBLIC MEETING

5. Public Comments
6. Adjournment

Chairman: Judith K. Freeman

Next Special Meeting Wednesday, September 10, 2014 – Village Hall
Next Special Meeting Thursday, September 11, 2014 – Barrington High School
Next Regular Meeting Monday, September 15, 2014

PROCEDURES

Abbreviated for Posting

1. Petitioner or spokesperson will outline requested relief.
2. Witness or Experts in support of request.
3. Questions from members.
4. Questions/Comments from the public as follows:
 - a. If you wish to make a comment during a discussion period, please raise your hand so the Chairman can recognize you.
 - b. For purposes of the official record of the meeting, please identify yourself before making your comment.
 - c. Please restrict yourself to one question or comment at a time and limit your remarks to three minutes in order to give others a fair opportunity to be heard.

NOTICE AS POSTED

PUBLIC HEARING
Before the Zoning Board of Appeals

Village of Barrington Hills
Re: Text Amendment/Horse Boarding and Training

Notice is hereby given that a Public Hearing will be held on Tuesday, September 9, 2014 at 7:30 p.m. by the Zoning Board of Appeals of the Village of Barrington Hills at Countryside School, 205 W. County Line Road, Barrington Hills, concerning a proposed text amendment from James J. Drury III to the Village's Zoning Ordinance, Title 5 of the Village Code; specifically an amendment to Section 5-2-1 "Definitions" Section 5-3-4 "Home Occupation" and Section 5-10-7 "Special Uses" to permit as a Special Use the boarding and training of horses, with specific regulations governing such use.

A copy of the Zoning Ordinance and the proposed amendment is available for examination at the office of the Village Clerk at the Village Hall 112 Algonquin Road, weekdays between 9:00 a.m. and 5:00 p.m. Also a copy of this notice and amendment is available at the Village website www.barringtonhills-il.gov All interested parties are invited to attend the Public Hearing and will be given an opportunity to be heard. Written comments on the application for text amendment to be made part of the record of this proceeding will be accepted in person, by fax or email in the office of the Village Clerk through 5 p.m. September 9, 2014.
By: Village Clerk
Village of Barrington Hills
clerk@barringtonhills-il.gov
Fax 847.551.3050
Published in Daily Herald
August 23, 2014 (4383704)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the DAILY HERALD. That said DAILY HERALD is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Deer Park, Des Plaines, South Elgin, East Dundee, Elburn, Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Geneva, Gilberts, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Villa, Lake in the Hills, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Mt. Prospect, Mundelein, Palatine, Prospect Heights, Rolling Meadows, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake park, Schaumburg, Sleepy Hollow, St. Charles, Streamwood, Tower Lakes, Vernon Hills, Volo, Wauconda, Wheeling, West Dundee, Wildwood, Sugar Grove, North Aurora

County(ies) of Cook, Kane, Lake, McHenry and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 7150, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published August 23, 2014 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY *Danula Baltz*
Authorized Agent

Control # 4383704

**PETITION FOR TEXT AMENDMENTS
TO THE VILLAGE OF BARRINGTON HILLS ZONING CODE**

August 13, 2014

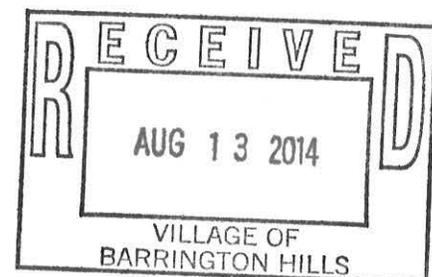
To: Don Schuman, Zoning Enforcement Officer, Village of Barrington Hills, Illinois

The undersigned, James J. Drury III, a landowner and resident of the Village of Barrington Hills, Illinois ("Village"), with an address of 7 Deepwood Road, and affected by the subject matter addressed herein hereby petition the Village for the following Text Amendments to the Village Code (hereafter, "Zoning Code"), and request that a Zoning Board of Appeals ("ZBA") notice of hearing on these amendments be published as prescribed by code no later than August 26 2014 and hearing on such amendment be held on September 15, 2014 or as soon thereafter as can be accommodated by the ZBA.

The proposed Text Amendments amends Zoning Code Sections 5-2-1 (Definitions), 5-3-4 (D) 3 (g) (Home Occupancy boarding), 5-5-3 (Special Uses) and 5-10-7 (Special Uses).

Recently, the ZBA notified Village residents of two proposed text amendments regarding Commercial Horse Boarding, and a hearing was held at Countryside School. Both of those proposals would redefine "Agriculture" to include horse boarding, thus permitting large-scale commercial horse boarding operations on R1-zoned properties throughout the Village without notifying or protecting the rights of the affected property owners. The purpose of these proposed Text Amendments is to permit horse boarding on a case-by-case basis as a Special Use, providing the petitioner meets specified criteria.

The proposed Text Amendments would continue to permit small scale horse boarding among friends under the Home Occupation Ordinance, without a need to notify or obtain permission from the Village. Landowners wishing to operate large-scale horse boarding operations would be required to meet certain criteria and obtain Village approval. These Text Amendments define the process and conditions under which such a business could operate while preserving the rights to the quiet enjoyment of residents' properties.



ORDINANCE AMENDING SECTIONS 5-2-1, 5-3-4, 5-5-3 and 5-10-7

(Drafting Note: all changes underlined and in bold; while not changed section titles are also in bold for reviewer convenience)

5-2-1 Definitions:

That the definition of Agriculture be amended to state in its entirety:

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry (including the breeding and raising of horses as an occupation; **but not the boarding of horses**) and the necessary accessory uses for handling or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

That the following defined terms be added:

AFFECTED PARTIES: Adjacent property owners, private road association (if there is private road access from any Boarding Facility), and non-adjacent property owners located on the same public road as the Boarding Facility within one-quarter (1/4) mile in either direction.

BOARDED HORSES: Horses that are not owned by the landowners or occupants of the property where the horses are kept.

BOARDING FACILITY: Any facility or property space proposed to be used or used in connection with a Commercial Boarding operation.

COMMERCIAL BOARDING: The boarding of five (5) or more boarded horses on any property; provided that the maximum number of boarded horses shall not exceed twenty (20). Commercial Boarding is permitted where the landowner receives a Special Use Permit.

GRAZING ACRE: That fenced-in portion of a property onto which horses are normally allowed during daylight hours. Grazing acres include pastures, mud lots and paddocks, but not those portions of the property that include the residence, pool, tennis court or other sports fields, nor shall it include agricultural or hay fields, streams and wetlands, or other portions of the property not suitable for the pasturing of horses.

HORSE BOARDING: Supplying food and lodging to boarded horses for pay. Boarding of four (4) or fewer horses is permitted under and subject to the Home Occupation Ordinance.

5-3-4 REGULATIONS FOR SPECIFIC USES

Section 5-3-4 (D) (3) (g) (Small-scale Horse Boarding permitted by the Home Occupation Ordinance) shall be amended to state in its entirety:

Boarding And Training Of Horses: ~~Notwithstanding anything to the contrary contained in this subsection (D), The boarding of horses-~~ **The Horse Boarding of four (4) or fewer** horses in a stable and the training of horses and their riders shall be a permitted home occupation, provided that no persons engaged to facilitate such **Horse B**boarding, other than the immediate family residing on the premises, shall be permitted **on the property to carry out their functions** except between the hours of **eight six** o'clock (~~68~~:00) A.M. and **eight seven** o'clock (~~78~~:00) P.M. ~~or sunset, whichever is later~~, and further provided that no vehicles or machinery, ~~other than that belonging to the immediate family residing on the premises~~ shall be permitted to be operated on the premises except during the hours of **eight nine** o'clock (~~98~~:00) A.M. and **eight five** o'clock (~~58~~:00) P.M. ~~or sunset, whichever is later~~. **No horse boarding customers shall be permitted on the property except between the hours of eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M.** (Ord. 06-12, 6-26-2006; Amended: , 2014)

5-5-3 SPECIAL USES

Section 5-5-3 (A) shall be amended to include the term "**Commercial Boarding**" to the list of Special Uses.

5-10-7 SPECIAL USES

(Drafting Note: Since all of the following is new text the proposed Text Amendment language is shown as clean and non-redlined)

A new subsection (J), Commercial Boarding, shall be added to Section 5-10-7, as follows:

Commercial Boarding is a permitted Special Use in R1 Districts within the Village, provided such Commercial Boarding operation complies with the provisions of this Section 5-10-7 (J). Special Use permits issued under this subsection (J) shall not exceed a period of five (5) years from the date of issuance, and thereafter, the property owner will need to reapply for another Special Use permit. In addition, no Special Use permit for Commercial Boarding shall be granted to any property owner or boarding operator who has been found in violation of Village zoning laws or for whom their Boarding Facilities do not or have not complied fully with the building permits issued them.

- 1. PURPOSE, INTENT AND INTERPRETATION:** The purpose of this Section is to provide specific regulations for the operation of Commercial Boarding facilities within the Village. The boarding of horses for a Commercial Boarding operation must be managed in the context of the residential nature of the Village and its desire to maintain the peace, quiet and domestic tranquility within all of the Village's residentially zoned areas. In permitting Commercial Boarding, this Section shall be interpreted to respect

and protect the rights of all residents to live in a peaceful, quiet and tranquil environment, and enjoy freedom from fire hazards, excessive noise, light and traffic and other nuisances associated with commercial operations.

2. APPLICATION: All landowners seeking a Commercial Boarding Special Use permit must comply with subsections (A) through (H) of this Section 5-10-7, and in addition to the requirements set forth in subsection (C) must submit to the ZBA with applicant's permit application:

(i) A site plan clearly indicating the size, location and setback from property lines of any buildings and other improvements, structures or facilities, such as pasturage, parking areas and riding arenas, intended by the applicant to be used in connection with the operation of a Commercial Boarding facility, as well as the current on-site land uses and zoning, current adjacent land uses and zoning, adjacent roadways, location of existing utilities, existing and proposed means of access, fencing and landscaping/screening.

(ii) A survey of the property prepared by an Illinois licensed land surveyor dated within ninety (90) days of the application.

(iii) Written statements by all Affected Parties granting their permission to the proposed Commercial Boarding.

(iv) A fire emergency plan developed in conjunction with and approved by the local fire department covering the subject property.

(v) Proof of availability of business insurance with the Village as named the party being covered sufficient to protect the Village from liabilities arising from the operation of the Commercial Boarding facility. The amount of insurance coverage shall be specified by the Village based on the size of the Commercial Boarding operation and such other factors as deemed relevant by the Village after consultation with its auditors and or insurance advisors.

(vi) Such other additional information as shall be requested by the ZBA.

3. CONSIDERATION: In considering a request for a Commercial Boarding Special Use permit, the ZBA shall consider the following factors:

(i) location of the property

(ii) configuration of the property

(iii) character of the surrounding neighborhood

(iv) proximity of each Boarding Facility to wetlands, artificial lakes or other watercourses

Proposed Commercial Boarding Text Amendment

- (v) vehicular access to each Boarding Facility
- (vi) available parking
- (vii) available pasture Grazing Acres
- (viii) manure disposal plan
- (ix) access, shared or otherwise
- (x) such other relevant factors as the ZBA may deem appropriate.

In addition, the Village Board of Trustees shall have the right to place further restrictions or requirements on the applicant as conditions for granting a Special Use permit.

In considering each Commercial Boarding Special Use, the ZBA will record in the public record the number and names of Affected Parties who have granted and denied their permission. If less than all Affected Parties have granted permission to the proposed Commercial Boarding, then the applicant shall have the burden of proving that the proposed operation will NOT interfere with the peace, quiet and domestic tranquility of all Affected Parties. Overriding the failure to obtain the unanimous permission of the Affected Parties shall require a unanimous (100%) vote by both the ZBA and Village Board of Trustees.

4. USE LIMITS: Special Use permits shall not exceed the following restrictions:

- a. Horses
 - (i) One (1) horse (boarded or resident/landowner-owned) per Grazing Acre
 - (ii) A maximum of twenty (20) boarded horses per Commercial Boarding operation regardless of the total amount of Grazing Acres
- b. Hours of operation:
 - (i) Employees: from 6:00 A.M. to 7:00 P.M.; animal health emergencies may be addressed at any hour, if needed
 - (ii) Boarding customers: from 8:00 A.M. to 7:00 P.M.
 - (iii) Use of machinery: from 9:00 A.M. to 5:00 P.M.

5. FACILITIES AND OPERATIONS

- a. Barn, riding, auxiliary buildings and parking area size: A Commercial Boarding FAR of 0.04, with a maximum combined Boarding Facility (not including the residence or other buildings not involved in the Commercial Boarding operation) limit of 25,000 square feet for barns, riding arenas, auxiliary buildings and parking areas, regardless of total property acreage. Larger existing Boarding Facilities may be grandfathered through a one-time

- process (if approved for a Special Use permit before December, 2015), provided, however, that in no circumstance shall any new construction on the property be allowed in excess of the 25,000 square foot limit.
- b. Setback requirements for barn, arenas, auxiliary buildings and parking area: Minimum of one-hundred (100) feet PLUS thirty-seven (37) feet for each 5,000 square feet of combined barn/arena/auxiliary buildings/parking area, calculated proportionally, from all non-public road property lines. Setback requirements from public road property lines shall be as specified in the Village Zoning Code for R1 properties. However, if the Affected Parties grant their written permission for an exception, this setback may be reduced, provided the minimum setback is one hundred (100) feet. If an existing Commercial Boarding operator cannot meet the setback requirements and the Affected Parties will not provide their written permission to a reduction, the Village may grant the applicant a waiver, provided the applicant otherwise meet all other zoning requirements, there were no past or existing complaints by the Affected Parties with respect to the subject Commercial Boarding operation, and there are no current or past violations of the applicant with respect to compliance with the Village's zoning ordinances.
 - c. Fire Safety: Every Boarding Facility stable (not including the indoor arena) over 5,000 square feet must be equipped with readily accessible Fire Department approved fire extinguishers (1 for each 1,500 square feet of stable), an automated fire monitoring system connected to the local fire department system, and illuminated fire exits (signs and area emergency lighting). In addition, barns over 10,000 square feet must be equipped with a sprinkler or other fire suppressant system that covers all fire escape routes. Boarding Facilities must work with the Fire Department to train employees on evacuation procedures and extinguisher operation, and conduct drills quarterly. Upon request, the Commercial Boarding operator shall provide written procedures and logs demonstrating the conduct of the quarterly drills.
 - d. Traffic and Parking: The limits shall be:
 - (i) Parking lot size: Limited to 1 car space per boarded horse stall with a maximum of ten (10) spaces.
 - (ii) Events will require a Special User permit. Event parking can use paddock/pasture areas.
 - (iii) Private road access: Requires written permission of the road association
 - (iv) Class size: Will be limited to maximum size of 6; and no more than two classes per day.
 - e. Horse Trailer Parking: No overnight parking of non-resident horse trailers is permitted.
 - f. Lighting: The area immediately around entrances and walkways may be lighted for safety purposes. No other exterior night lighting is permitted. Outdoor arenas may not be lighted at night. Further, no light may emanate from the interior, such as from riding arena windows or translucent panels, if that light presents a non-residential profile or non-residential lumen levels.

Proposed Commercial Boarding Text Amendment

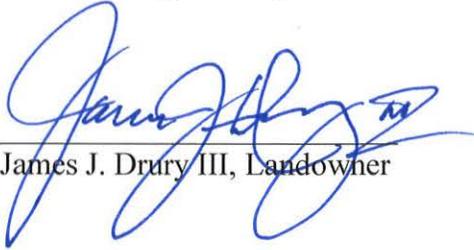
- g. Indoor bathroom facilities: Facilities shall be provided for employees and customers. Outdoor portable facilities shall not be used for Commercial Boarding operations.
- h. Waste & Manure:
 - (i) Stalls must be cleaned (mucked) daily and the waste manure/bedding mix stored in an appropriately sized dumpster, then hauled to a public waste processing facility not less than once a week. Storage or spreading of manure on the property is not permitted. If manure is kept on premise, placement cannot be closer than 300 feet to neighboring properties
 - (ii) Piles of manure in pastures or paddocks are not allowed, and must be picked up and disposed of in accordance with the terms of subsection (viii)(a) above.
 - (iii) For all Commercial Boarding operations with an average of more than ten (10) horses (Boarded Horses or applicant-owned horses), the Village reserves the right to test nearby well water and streams and ponds for manure and animal related pollutants in excess of federal EPA and Illinois EPA guidelines and regulations. If there are excess levels that reasonably appear to be the result of the Commercial Boarding operation, the Commercial Boarding operation shall be closed immediately and remain closed until the remedies are implemented to avoid future problems, and the pollutants abate.
- i. Facilities Upkeep: All Boarding Facilities must be maintained to a high level, inside and out, including painting or staining all wooden fences and walls, and sound roofing materials.

6. LIABILITIES: Each Commercial Boarding operator shall maintain business liability insurance to protect the Village from negligence and other lawsuits in amounts specified by the Village auditor or insurance advisor, which amount shall not be less than \$1,000,000.

7. NON-COMPLIANCE: In the case of non-compliance with the provisions of this Section and/or any additional restrictions imposed in the Special Use permit, the Village shall provide written notice to the Commercial Boarding operator. The written notice shall specify the area(s) of non-compliance and provide the operator with fourteen (14) calendar days to remedy the non-compliance (the "cure period"). If, after the expiration of the 14 day period, the Commercial Boarding operator has not complied with the terms of this Section or any additional restrictions imposed in the Special Use permit, the Village shall issue a cease and desist letter and such operator shall immediately suspend all Commercial Boarding operations until a compliance plan is submitted to the Village and approval of such plan is voted on by the Village Board of Trustees. If the Commercial Boarding operator continues to operate in non-compliance with the terms of this Section and any additional restrictions imposed in the Special Use permit beyond the 14 day cure period, the operator shall be subject to a fine of \$1,000 per day. Further, in connection with any enforcement action required to be taken by the Village against

Proposed Commercial Boarding Text Amendment

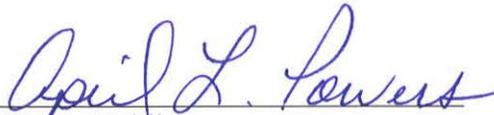
operator for continued violations after the cure period, operator shall reimburse the Village for any and all enforcement costs, including attorneys' fee and expenses.

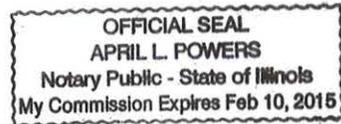

James J. Drury III, Landowner

August 13, 2014

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

Subscribed and sworn to before me this 13 day of August, 2014.


Notary Public



CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

PUBLIC HEARING
Before the Zoning Board of Appeals

Village of Barrington Hills
Re: Text Amendment/Horse Boarding and Training

Notice is hereby given that a Public Hearing will be held on Tuesday, September 9, 2014 at 7:00 p.m. by the Zoning Board of Appeals of the Village of Barrington Hills ("Village") at Countryside School, 205 W. County Line Road, Barrington Hills, concerning a proposed text amendment from James Hammond to the Village's Zoning Ordinance, Title 5 of the Village Code; specifically a new section in Chapter 3 "General Zoning Provisions" as Section 5-3-14 "Regulations for Commercial Horse Boarding", to permit as a Special Use the boarding and training of horses, with specific regulations governing such use.

A copy of the Zoning Ordinance and the proposed amendment is available for examination at the office of the Village Clerk at the Village Hall 112 Algonquin Road, weekdays between 9:00 a.m. and 5:00 p.m. Also a copy of this notice and amendment is available at the Village website www.barringtonhills-il.gov

All interested parties are invited to attend the Public Hearing and will be given an opportunity to be heard. Written comments on the application for text amendment to be made part of the record of this proceeding will be accepted in person, by fax or email in the office of the Village Clerk through 5 p.m. September 9, 2014.

By: Village Clerk
Village of Barrington Hills
clerk@barringtonhills-il.gov
Fax 847.551.3050
Published in Daily Herald
August 23, 2014 (4383706)

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Deer Park, Des Plaines, South Elgin, East Dundee, Elburn, Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Geneva, Gilberts, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Villa, Lake in the Hills, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Mt. Prospect, Mundelein, Palatine, Prospect Heights, Rolling Meadows, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake park, Schaumburg, Sleepy Hollow, St. Charles, Streamwood, Tower Lakes, Vernon Hills, Volo, Wauconda, Wheeling, West Dundee, Wildwood, Sugar Grove, North Aurora

County(ies) of Cook, Kane, Lake, McHenry

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PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY *Saula Baltz*
Authorized Agent

Control # 4383706

PETITION FOR TEXT AMENDMENT

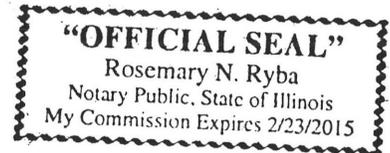
TO THE VILLAGE OF BARRINGTON HILLS ZONING CODE

To: Don Schuman, Zoning Enforcement Officer, Village of Barrington Hills, Illinois

James C. Hammond, 2 Woodcreek Road, Barrington Hills, Illinois, as a 23-year resident affected by the subject matter of the proposed amendment, hereby petitions for the following text amendment to the Village Zoning Code and requests that a ZBA notice of hearing on this amendment be published as prescribed by code no later than July 31, 2014 and hearing on such amendment be held on Monday, August 18, 2014 or as soon thereafter as can be accommodated by the ZBA.

The purpose of this amendment is to provide a way of bringing into zoning conformance those commercial boarding operations in the Village that may not presently meet the conditions of the Home Occupation Ordinance. Commercial Horse Boarding would become an allowed special use in R-1 Zoning Districts subject to the conditions as outlined in the submitted amendment.

[Handwritten Signature] 7-29-14
Rosemary N. Ryba



Proposed Horse Boarding Text Amendment Overview

Background: During a period from 2009 to 2010, our Barrington Hills Equestrian Commission and Zoning Board of Appeals members worked hand-in-hand to craft zoning text amendments differentiating and regulating "Home Occupation" and "Commercial Boarding" facilities existing within the Village's Zoning Code.

Countless hours of meetings and language drafting were expended in the effort, only to have the resulting amendments tabled for unknown reasons.

Current Situation: I recently attended a public hearing held by the ZBA on July 21st, 2014, and after listening to all of the comments made concerning the two amendment proposals it occurred to me that resident concerns can be categorized into three groups.

One group of speakers were concerned that the proposals before the board would allow for commercial boarding operations to expand their existing operations, or large new boarding operations could be built on land near to them without neighbors having any say in the matter.

The second group showed concern that existing commercial boarding operations were in jeopardy under the current Home Occupation Ordinance, and wanted them protected with the proposed code amendments. The last group believed that boarding has worked for the last eight years under the Home Occupation Ordinance, so why change it.

Recommendation: I hereby recommend that the Zoning Board consider revisiting the proposed language which the Zoning Board and Equestrian Commission together drafted back in 2010. The amendment which I am proposing is primarily their work, with some changes to criteria differentiating the two classifications of boarding facilities. The key components of this amendment are:

- Any existing facility boarding six or more horses may apply for exemption from applying for a Special Use Permit, provided they meet minimal criteria for the application as outlined in the proposed amendment (see 5-3-14-H).
- Any existing facility boarding five or less horses will continue to operate under the Home Occupation Ordinance.
- Any newly proposed horse boarding facility designed to board six or more horses would be required to apply for a Special Use Permit.
- Any newly proposed stable in excess of 2,700 square feet would require a Special Use Permit.
- A maximum of one boarded horse is allowed per acre dedicated to the keeping of horses.
- Boarding facilities will remain classified as R-1 under codes not covered by this amendment.

There are other definitions and criteria outlined in the original Zoning Board draft amendment that address horse boarding which should be familiar to some members of the Zoning Board.

In advance of presenting to this proposed text amendment that follows, I would like to thank the members of the board for their consideration and their devotion of personal time to address matters such as this important one for all the residents of Barrington Hills.

5-3-14

REGULATIONS FOR COMMERCIAL HORSE BOARDING:

(A) SPECIAL USE: Commercial horse boarding is a permitted special use in the R1 District within the Village, provided, however, no special use permit for commercial horse boarding shall be granted unless such commercial horse boarding operation complies with the provisions of this Section 5-3-14.

(B) PURPOSE AND INTERPRETATION: The purpose of this Section 5-3-14 is to provide specific regulations for the operation of commercial horse boarding facilities within the Village. The boarding of horses in the Village is a desirable activity from the point of view of the equestrian community and the Village at large but such activity must be managed in the context of the residential nature of the Village and its desire to maintain the peace, quiet and domestic tranquility within all of the Village's residential neighborhoods. It is the further intent of this ordinance to regulate the operation of commercial horse boarding facilities so that the general public and neighboring residences will enjoy reasonable freedom from fire hazards, excessive noise, light and traffic and other nuisances.

(C) DEFINITIONS: For purposes of this Section 5-3-14, defined terms shall have the meanings ascribed to them in Section 5-2-1 and this Subsection 5-3-14(C).

BOARDED HORSES: Horses that are not owned by the owners or occupants of the property where the horses are kept.

BOARDING: The keeping and/or sheltering of Boarded Horses, provided, however, boarding of horses shall not include a livery stable.

COMMERCIAL HORSE BOARDING: The boarding of six (6) or more Boarded Horses and/or the use of a stable or series of stables for boarding operations that exceed, in the aggregate, 2,700 square feet of space under roof.

LIMITED-FACILITY BOARDING: The boarding of five (5) or fewer Boarded Horses, which shall be a permitted use, without the need for a special use permit, and regulated as a Home Occupation under Section 5-3-4(D) of the Zoning Code.

LIVERY STABLE: A stable where horses are kept for hire.

(D) FACILITY REQUIREMENTS:

- (i) All buildings, excluding stables, used in connection with commercial horse boarding, shall be considered accessory uses and shall comply with the setback requirements for agricultural buildings and structures.
- (ii) Stables used in connection with commercial horse boarding shall be considered accessory uses and shall comply with the setback requirements for stables.
- (iii) All buildings, including, but not limited to stables, used in connection with commercial boarding shall be considered agricultural buildings for the purpose of building permit review and shall be classified as utility buildings under the BOCA 1990 Building Code, so constructed, equipped and maintained to address fire and safety hazards in accordance with Village Ordinances and the BOCA Building Code.

(E) SCOPE: In the course of reviewing any request for a special use permit required under this Section 5-3-14, the Zoning Board of Appeals may limit the number of Boarded Horses permitted to be boarded at any one time and shall consider the following factors in its determination: (i) location of the property, (ii) configuration of the property, (iii) character of the surrounding neighborhood, (iv) proximity of the boarding facility to wetlands, artificial lakes or other watercourses, (v) vehicular access to the boarding facility, (vi) available parking, (vii) available pasture, (viii) manure disposal plan, (ix) such other factors as the Zoning Board of Appeals may deem appropriate for consideration; provided, however, notwithstanding the foregoing, the total number of Boarded Horses shall not exceed one (1) Boarded Horse per acre dedicated solely to the keeping of horses.

(F) SPECIAL USE APPLICATION REQUIREMENTS: In addition to any requirements of Section 5-10-7, an applicant for a special use permit for commercial horse boarding shall submit the following documentation and information:

- (i) A site plan clearly indicating the size, location and setback from property lines of any buildings and other improvements, structures or facilities, such as pasturage, parking areas and riding arenas, intended by the applicant to be used in connection with the operation of a commercial horse boarding facility, as well as the current on-site land uses and

zoning, current adjacent land uses and zoning, adjacent roadways, location of existing utilities, existing and proposed means of access, fencing and landscaping/screening.

- (ii) A survey of the property prepared by an Illinois licensed land surveyor dated within ninety (90) days of the application.
 - (iii) Such other additional information reasonably requested by the Zoning Board of Appeals.
- (G) EXCLUSIONS: Nothing in this Section 5-3-14, shall be construed to apply to private facilities that shelter horses belonging solely to the owners and/or occupants of the property where such horses are kept and nothing herein shall be construed to limit the number of horses a person may own and keep on their own property other than Boarded Horses.
- (H) LIMITED EXEMPTION: Any commercial horse boarding facility operating outside the limitations of conditions established under the Home Occupation section of the code, and having not been previously cited by the Village for any infractions of the Zoning Code, for a period of 90 days from the date of July 31, 2014, shall be exempt from the conditions of this Section 5-3-14, providing that the property be registered and inspected by the Zoning Enforcement Officer within this time frame. However, should any facility identified as qualifying under this limited exemption expand its operation from current levels of horse boarding, then it would be subject to the conditions of Section 5-3-14.

Submitted Public Comments

As of 1:00 pm 09.09.2014

Suzanne M. Fitch
ATTORNEY AT LAW

403 N. Gary Avenue
Wheaton, Illinois 60187

(630) 606-7670 / Fax (630) 741-3130
e-mail: FitchAtLaw@yahoo.com

August 12, 2014

VIA E-MAIL: rkosin@barringtonhills-il.gov and clerk@barringtonhills-il.gov
and FAX: (847) 551-3050

Chair Judith Freeman and Members of the Village of Barrington Hills Zoning Board of Appeals
Village of Barrington Hills
112 Algonquin Road
Barrington Hill, Illinois 60010-5199

Re: LeCompte and Elder Horse Boarding Text Amendments

Dear Chair Freeman and Members of the Zoning Board of Appeals:

My firm represents certain residents of the Village of Barrington Hills. I have been retained to review the legality and consequences of two Zoning Code text amendments which expand commercial horse boarding within the Village (LeCompte Text Amendment and Elder Text Amendment). My law practice includes zoning law, and I also serve on a Planning and Zoning Board for the City of Wheaton. As a fellow zoning board member, I appreciate your obligation to understand the law before acting to change it by text amendment.

I am familiar with the history of this issue in the Village and the litigation which resulted in two Illinois Appellate Court decisions. I have reviewed your Zoning Code and the many provisions that currently allow for the boarding, breeding, riding and training of horses. The LeCompte Text Amendment and Elder Text Amendment create a new category for commercial horse boarding which could forever change the residential character of Barrington Hills. If this Board would consider a new text amendment, it would be possible to achieve the objectives of the LeCompte and Elder Text Amendments while preserving the residential tranquility of Barrington Hills. I urge you to work toward a new compromise text amendment rather than rushing through this process by voting on a text amendment that will result in years of resident complaints and litigation.

The purpose of this letter is to offer an alternative to the LeCompte and Elder text amendments - one that preserves horse boarding under home occupation, as many residents desire, while fixing the errors in that section of the Zoning Code. This letter also proposes a new section of the Zoning Code for larger boarding operations that can offer less restrictive standards under a special use permit framework, similar to the current Animal Rescue Shelter section. It is my hope that such an incremental approach will both preserve the peace and quiet of the residential neighborhoods while allowing for the continued existence of larger scale boarding operations in the Village.

Your current Zoning Code already allows for the breeding and raising of horses as an occupation in the residential districts- it is a permitted Agricultural Use. The boarding of horses in a stable and the training of horses and their riders is also allowed in the residential districts as a home occupation. The Illinois Appellate Court stated that all the requirements of Section 5-3-4 (D) Home Occupation (including limitations as to employees, clients, customers, vehicles, building size, operations, traffic, signage etc.) apply to the boarding and training of horses. The Court emphasized the importance of these limitations, stating, "While the Zoning Code does permit the boarding and training of horses as a home occupation, it must be done in a manner that maintains the peace, quiet and domestic tranquility within all residential neighborhoods in an R-1 zoned district." *LeCompte v. Zoning Board of Appeals for the Village of Barrington Hills*, 2011 IL App (1st) 100423, ¶ 39.

The Illinois Appellate Court also found that "Several sections of the Zoning Code support the conclusion that its drafters did not intend for the commercial boarding of horses to be a permitted primary use in an R-1 zoned district." *LeCompte v. Zoning Board of Appeals for the Village of Barrington Hills*, 2011 IL App (1st) 100423, ¶ 37. The Court distinguished between the negligible effects on the neighborhood of a small home occupation boarding facility and the "significant increase in the traffic and noise in the neighborhood" created by a large commercial boarding operation. *LeCompte v. Zoning Board of Appeals for the Village of Barrington Hills*, 2011 IL App (1st) 100423, ¶ 39.

The authors of the LeCompte and Elder Text Amendments placed all commercial horse boarding under Section 5-3-4(A) Agriculture, whether small or large, quiet or disruptive. This is problematic since that section expressly states that no regulations can be imposed on the land with the exception of building and setback lines. At the July 2014 public hearing, the authors of the text amendments stated that they would accept a Floor Area Ratio requirement as part of their proposal if the Zoning Board thought it was needed. We feel that, not only must the residents be assured that Floor Area Ratio applies to all horse boarding facilities, but that the bulk regulations (including lot area and average lot width) should also apply, in addition to certain, but not all, of the requirements of the Home Occupation Section 5-3-4(D). The Zoning Board should work with the community to decide which regulations should apply to larger scale boarding operations. The LeCompte and Elder proposals to place horse boarding under 5-3-4(A) would jeopardize the many protections residents have in the peaceful occupancy of their homes and the character of their residential neighborhoods.

Instead of deleting Section 5-3-4(D)(3)(g), the subsection allowing for horse boarding as a home occupation, I would revise that section to continue to allow for smaller scale horse boarding as a permitted home occupation. A key problem is that subsection 5-3-4(D)(3)(c)(4) of the Home Occupation ordinance does not allow for the routine attendance of clients and customers, but only allows for up to four persons at any one time to receive private instruction in any subject of skill. This shortcoming can be fixed for smaller scale horse boarders so that a home occupation horse boarding facility can have up to four clients. (This number is consistent with the current number of clients allowed to receive instruction at a home occupation business at any one time). Four clients would be the total number allowed, and clients would be counted based upon actual individual owners and not associations, companies or groups of owners. This proposal of up to four clients would serve to avoid a debate about the number of horses that can be permitted at a home occupation boarding facility since the nuisance provisions of that section should protect the neighbors, and as such, the number of horses can vary based on circumstances unique to each situation. Finally, since the Court directed that horse boarding must comply with

the regulations set forth in 5-3-4(D) Home Occupation, the phrase "Notwithstanding anything to the contrary contained in this subsection D" can simply be removed.

Since larger scale horse boarding facilities will not comply with Section 5-3-4(D) Home Occupation using this new definition based on the number of clients, it would be best to create a new subsection (F) under Section 5-3-4. A larger scale horse boarding operation could be defined as those with more than 4 clients. Subsection (F) could include some of the protections provided by the Home Occupation paragraphs along with the limitations outlined in the LeCompte and Elder Text Amendments.

There is precedent for creating a new subsection (F) by looking at subsection (E) which regulates Animal Rescue Shelters. The Animal Rescue Shelters subsection (E) creates a framework whereby animal rescue shelters are subject to certain regulations (pertaining to vehicles and equipment, number of animals, employees, signage, traffic, nuisance etc.) and are categorized in Section 5-5-3 as a Special Use. Larger scale horse boarding operations (those with more than 4 clients) could mirror this same framework. In addition to the regulations provided by new subsection (F), residents would have the additional protection of being able to participate in the special use permit process by attending a public hearing. The public hearing would give the community the opportunity to weigh in on matters that are difficult to measure, such as, noise, odor, traffic and other types of nuisances which impact the public health and safety. Also, we would be open to including language so that the special use permit could run with the land.

It is my understanding that, even though the public hearing was formally closed, board members have continued to accept written comment and communicate about the matter outside of the open meeting. The residents deserve to be heard and all communications, including this letter, should be included as part of the public record.

I urge you to reopen the public hearing so that this letter, and any other communications, can be included in the public record. I further ask that you not take any action on the LeCompte and Elder Text Amendments, and instead, continue the matter so that an alternative text amendment can be presented for your consideration. In my experience, zoning boards must act carefully in changing the law. All possible scenarios should be fully considered and debated by the community before action is taken.

Sincerely,



Suzanne M. Fitch

Cc: Martin J. McLaughlin, Village President (via e-mail: mmclaughlin@barringtonhills-il.gov)



Robert Kosin <rkosin@barringtonhills-il.gov>

Horse Boarding Comments

Barb1Kemp@aol.com <Barb1Kemp@aol.com>

Mon, Sep 8, 2014 at 1:01 AM

To: RKosin@barringtonhills-il.gov, clerk@barringtonhills-il.gov

Cc: president@barringtonhills-il.gov

Attached is the draft document I received from a neighbor regarding the Commercial Horse Boarding Operation decision where the ZBA and ultimately the Trustees must decide.

I used the yellow highlighter to emphasize the portions of the various proposed the amendments that most satisfy my concerns as a resident.

It is very helpful that the options were laid out since reading the long texts can be challenging. I am not a lawyer nor a horse owner or boarder.

The basic issues: to protect the property values and way of life of the village residents. Driving away the respectful large scale horse operations may harm the village. If the large landowners all move or plan to subdivide their properties it would change the character of the village. One of the unique appeals of the village is the ability to see horses and live among them. On the other hand no one wants massive amounts of traffic, lights, noise or odors near their yards or homes. It seems to me this is a matter of respect, but individuals have made it a matter for the ZBA.

I hope a good compromise can be reached. Many of the recommendations in the attachment have merit. I highlighted the items I prefer with the yellow marker. Again, not being an equestrian, I cannot attest to the optimal number of horses per acre. Unlimited seems wrong. The other options seem high, but if they are the best of the options and are sustainable year around in this climate, so be it. I trust we have enough equestrians who know the correct numbers so the ZBA and Trustees can use sound judgment and get this matter put to rest.

Respectfully,

Barbara Kemp

barb1kemp@aol.com

(847) 778 2874 (cell)

"Always do right; this will gratify some and astonish the rest" - Mark Twain

Suzanne M. Fitch
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September 3, 2014

VIA E-MAIL: rkosin@barringtonhills-il.gov and clerk@barringtonhills-il.gov
and FAX: (847) 551-3050

Chair Judith Freeman and Members of the Village of Barrington Hills Zoning Board of Appeals
Village of Barrington Hills
112 Algonquin Road
Barrington Hill, Illinois 60010-5199

Re: LeCompte and Elder Horse Boarding Text Amendments

Dear Chair Freeman and Members of the Zoning Board of Appeals:

As you know, my firm represents certain residents of the Village of Barrington Hills. Thank you for reviewing my letter dated August 12, 2014, which is attached to this letter for reference purposes. Also attached to this letter is a Text Amendment Comparison Chart. It lists all of the important protections for the neighbors of horse boarding operations which are found in the Home Occupation Section 5-3-4(D). (Since the breeding and raising of horses is a permitted agricultural use, it is not part of this analysis). The Chart compares the Home Occupation protections with the provisions found in the LeCompte, Elder, Drury and Hammond Text Amendments.

As you can see, many of the important protections of the Home Occupation Ordinance are not found in these proposed text amendments despite the fact that many of these protections could be applied to larger-scale boarding operations. **As a zoning board, you have the power to incorporate these protections into your final Text Amendment to ensure that the expansion of larger-scale horse boarding does not have any negative unintended consequences or cause any irreparable harm to neighboring landowners.**

The Drury Text Amendment and Hammond Text Amendment both set forth a good framework for differentiating between smaller-scale and larger-scale horse boarding operations. In addition to looking at the number of horses and capping horses per acre, it would also be possible to include limitations on the number of clients in a home occupation boarding operation. My last letter suggested setting the limit at four. The Drury Text Amendment also contains good definitions that would be useful in a final text amendment.

Although I included the Drury and Hammond Text Amendments in the attached Comparison Chart, there are many important details in these two text amendments that are not included in the chart. Furthermore, since these text amendments suggest a limit of one horse per acre, this regulation alone can serve to lessen any potential negative impacts of living next to a horse boarding facility. Most importantly perhaps is the fact that these two text amendments make larger-scale horse boarding a Special Use. The last page of the Comparison Chart lists the

Special Use Standards that the zoning board would need to apply in deciding whether to grant a special use. The special use process would give the public the opportunity to comment on the application through a public hearing.

The proponents of the LeCompte and Elder Text Amendments make the argument that horse boarding belongs under the category of Agriculture because it is similar to cattle, poultry, swine, horse breeding and other agricultural-type operations. However, the Village already studied this issue and chose to place horse boarding under Home Occupation. See *ORDINANCE NO. 06-12*. In so doing, the Illinois Appellate Court found that the Village tied horse boarding to all of the regulations outlined in the Home Occupation Section 5-3-4(D). *LeCompte v. Zoning Board of Appeals for the Village of Barrington Hills*, 2011 IL App (1st) 100423, ¶ 39. Therefore, taking horse boarding out of this section is a major departure from the current law. In addition, the Zoning Code provides that no regulations or permits can be applied to land used for agricultural purposes, so going from reasonable regulations to no regulations at all is too drastic of a change.

Admittedly, larger-scale horse boarding cannot remain in the Home Occupation Section 5-3-4(D). A home occupation business must be incidental and secondary to the principal use of the property as a home residence. Although a stable is a detached accessory building, that building must be subordinate to and serve a principal building or principal use. The Illinois Appellate Court stated that "because the LeComptes are using the stable for the commercial boarding of horses, which is a primary use and not a subordinate use, it is a use that does not comport with the Village's Zoning Code." *LeCompte v. Zoning Board of Appeals for the Village of Barrington Hills*, 2011 IL App (1st) 100423, ¶ 34. In my opinion, if the stable exists to house horses belonging to the owners of the property, the stable would be subordinate to the principal building. Furthermore, boarding a few horses belonging to friends and neighbors would be an allowable home occupation business under Section 5-3-4(D).

We agree with the proponents of the LeCompte and Elder Text Amendments that we need a text amendment to preserve the rural, equestrian nature of the community. The only options are to place larger-scale horse boarding entirely under Home Occupation, entirely under Agriculture, or accept a compromise of these two mutually exclusion positions. A compromise is the only way to bring together both sides of this contentious debate and avoid years of resident complaints and litigation.

The Village of Barrington Hills can craft a final Text Amendment which pulls together all of the best ideas from the four proposed text amendments. Through your careful deliberation and analysis of all the issues, you can inform the Village of the protections/provisions that you want incorporated into the Village's final Text Amendment.

Sincerely,



Suzanne M. Fitch

Cc: Martin J. McLaughlin, Village President (via e-mail: mmclaughlin@barringtonhills-il.gov)

Enclosures: Letter to ZBA dated August 12, 2014, Comparison Chart Four Text Amendments

Suzanne M. Fitch, ATTORNEY AT LAW

Comparison of Current Zoning Code Regulations Regarding the Boarding of Horses and Training of Horses and Riders
and the Four Proposed Text Amendments Submitted by LeCompte, Elder, Drury and Hammond

Type of Regulation	Home Occupation Section 5-3-4(D)	LeCompte Text Amendment	Elder Text Amendment	Drury Text Amendment	Hammond Text Amendment
Preamble/Intent	<p>Provide peace, quiet and domestic tranquility</p> <p>Freedom from nuisances, fire hazards, excessive noise, light and traffic</p> <p>Goal not to change the intent or character of the residential district</p>	Provisions of this title shall not be exercised so as to impose regulations or require permits with respect to land used for agricultural purposes	Provisions of this title shall not be exercised so as to impose regulations or require permits with respect to land used for agricultural purposes	<p>Maintain peace, quiet and domestic tranquility</p> <p>Respect and protect the rights of all residents to live in a peaceful, quiet and tranquil environment and enjoy freedom from fire hazards, excessive noise, light and traffic</p>	<p>Maintain peace, quiet and domestic tranquility</p> <p>Reasonable freedom from fire hazards, excessive noise, light and traffic and other nuisances</p>
Residential Use Component Section 5-5-2 Permitted Uses states "Home Occupations, as accessory only to single-family detached	<p>Business must be incidental and secondary to the principal use of the property as a home residence</p> <p>Business can be conducted from principal building (home) or accessory</p>	<p>No requirement that a home residence exist on the property</p> <p>Horse boarding and training business can take up 100% of the property</p>	<p>No requirement that a home residence exist on the property</p> <p>Horse boarding and training business can take up 100% of the property</p>	<p>No requirement that a home residence exist on the property unless special use states that it is accessory only to single-family detached dwellings</p>	<p>No requirement that a home residence exist on the property unless special use states that it is accessory only to single-family detached dwellings</p>

dwelling's"	building, but not both				
Business Owner	Business owner must reside on the property	Business owner is not required to reside on the property Owner of horse boarding operation may have no connection to the Village of Barrington Hills	Business owner is not required to reside on the property Owner of horse boarding operation may have no connection to the Village of Barrington Hills	Business owner is not required to reside on the property Owner of horse boarding operation may have no connection to the Village of Barrington Hills	Business owner is not required to reside on the property Owner of horse boarding operation may have no connection to the Village of Barrington Hills
Nuisance Abatement	Unlawful to cause or create any act which endangers public health or results in annoyance or discomfort to the public Chief of police and building and zoning enforcement officer have the power to abate the nuisance	Aggrieved resident must report violation to zoning enforcement officer who cannot take any action until he/she has inspected the property, commissioned an independent study and given property owner opportunities to correct the violation and file an appeal	No specific Nuisance Abatement provisions	See Non-Compliance in Text Amendment	No specific Nuisance Abatement provisions
Special Use Permit *See Special Use Standards on Last Page	No Special Use Permit required	No Special Use Permit required	No Special Use Permit required	Special Use Permit required for 5 or more horses	Special Use Permit required for 6 or more horses

Floor Area Ratio (FAR)	Area of building used for business must not exceed .01	Unlimited size of stables/structures associated with boarding, breeding, riding and training of horses	Unlimited size of stables/structures associated with boarding, breeding, riding and training of horses	FAR of 0.04 Limit of 25,000 square feet for barns, riding arenas, auxiliary buildings and parking areas	See Special Use Standard #6
Signage Sect. 5-5-11 of the Zoning Code allows for nonflashing, nonilluminted signs in the residential districts	Subject to regulations of Sect. 5-5-11. Residential dwelling or driveway entrance can have 1 nameplate not exceeding 1 sq. foot in area indicating the name or address of the occupant or a permitted occupation (2 nameplates allowed for corner zoning lot)	Subject to regulations of Sect. 5-5-11 Nonresidential buildings can have a single identification sign, not exceeding 6 sq. feet in area, indicating only name and address of building (2 signs allowed for corner zoning lot)	Subject to regulations of Sect. 5-5-11 Nonresidential buildings can have a single identification sign, not exceeding 6 sq. feet in area, indicating only name and address of building (2 signs allowed for corner zoning lot)	Subject to regulations of Sect. 5-5-11 Nonresidential buildings can have a single identification sign, not exceeding 6 sq. feet in area, indicating only name and address of building (2 signs allowed for corner zoning lot)	Subject to regulations of Sect. 5-5-11 Nonresidential buildings can have a single identification sign, not exceeding 6 sq. feet in area, indicating only name and address of building (2 signs allowed for corner zoning lot)
Visibility	No exterior indications or variations from residential character	No limitations	No limitations	Facilities maintained inside and out, including painting or staining all wooden fences and walls and sound roofing materials	No limitations

Lighting	No exterior indications or variations from residential character	No direct lighting on adjacent property	No direct lighting on adjacent property	No exterior night lighting except for entrances and walkways No light presenting a non-residential profile	No limitations
Hours of Operation	8:00 a.m. to 8:00 p.m. or sunset, whichever is later (no restriction for immediate family residing on the premises) Vehicles and Machinery, other than that belonging to immediate family, can be operated between 8:00 a.m. and 8:00 p.m. or sunset, whichever is later	6:00 a.m. to 9:00 p.m. No hourly restrictions for family residing on property or horse owners	6:00 a.m. to 8:00 p.m. for employees (no restriction for family residing on property) 8:00 a.m. to 8:00 p.m. or dusk for boarders Vehicles and Machinery not owned by residents can only be operated between 6:00 a.m. and 8:00 p.m.	6:00 a.m. to 7:00 p.m. for employees (no restriction for immediate family residing on property) Horse boarding customers permitted on property between 8:00 a.m. and 7:00 p.m. Vehicles and Machinery can only be operated between 9:00 a.m. and 5:00 p.m.	No limitations
Traffic	Vehicular and Pedestrian Traffic cannot be significantly greater than typical residence	No limitations	Traffic should be "reasonably minimized"	Written permission for private road access. Parking limited to 1 car space per boarded	See Special Use Standard #5

				horse stall and max of 10 spaces and no overnight parking of non-resident horse trailers	
Employees and Subcontractors	No more than 2 employees or subcontractors (other than business owners) present at the business at any one time	No limitations	No limitations	No limitations	No limitations
Clients and Customers	No routine attendance of clients/customers Except: Up to 4 persons at any one time can attend business for private instruction (e.g. horse riding lessons)	No limitations	No limitations	No limitations	No limitations
Number of Horses	No limitations	No limitations	No limitations	1 Horse (boarded/land-owner-owed) per Grazing Acre Maximum of 20 boarded horses	1 Boarded Horse per Acre dedicated solely to the keeping of horses
Refuse/Waste	No refuse in excess of Sect. 5-3-9	Animal Waste Management	Animal Waste Management Protocol	Stalls cleaned daily, No piles of manure in pastures or paddocks, Test water for pollutants	No limitations

***The Standards for Granting a Special Use per Village of Barrington Hills Zoning Code Section 5-10-7(E)**

Section 5-10-7(E) provides that no special use shall be recommended by the Zoning Board of Appeals unless the Board finds the following:

1. Use cannot be detrimental to or endanger public health, safety, morals, comfort or general welfare.
2. Use cannot be injurious to the use and enjoyment of property in immediate vicinity and cannot substantially diminish and impair property values within the neighborhood.
3. Use will not impede the normal and orderly development and improvement of surrounding property.
4. Adequate utilities, access roads, drainage and/or other necessary facilities exist or are being provided.
5. Adequate measures have been taken to provide ingress and egress so designed to minimize traffic congestion.
6. Use will conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the board of trustees pursuant to the recommendation of the zoning board of appeals.

Suzanne M. Fitch
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e-mail: FitchAtLaw@yahoo.com

August 12, 2014

VIA E-MAIL: rkosin@barringtonhills-il.gov and clerk@barringtonhills-il.gov
and FAX: (847) 551-3050

Chair Judith Freeman and Members of the Village of Barrington Hills Zoning Board of Appeals
Village of Barrington Hills
112 Algonquin Road
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Re: LeCompte and Elder Horse Boarding Text Amendments

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Instead of deleting Section 5-3-4(D)(3)(g), the subsection allowing for horse boarding as a home occupation, I would revise that section to continue to allow for smaller scale horse boarding as a permitted home occupation. A key problem is that subsection 5-3-4(D)(3)(c)(4) of the Home Occupation ordinance does not allow for the routine attendance of clients and customers, but only allows for up to four persons at any one time to receive private instruction in any subject of skill. This shortcoming can be fixed for smaller scale horse boarders so that a home occupation horse boarding facility can have up to four clients. (This number is consistent with the current number of clients allowed to receive instruction at a home occupation business at any one time). Four clients would be the total number allowed, and clients would be counted based upon actual individual owners and not associations, companies or groups of owners. This proposal of up to four clients would serve to avoid a debate about the number of horses that can be permitted at a home occupation boarding facility since the nuisance provisions of that section should protect the neighbors, and as such, the number of horses can vary based on circumstances unique to each situation. Finally, since the Court directed that horse boarding must comply with

the regulations set forth in 5-3-4(D) Home Occupation, the phrase "Notwithstanding anything to the contrary contained in this subsection D" can simply be removed.

Since larger scale horse boarding facilities will not comply with Section 5-3-4(D) Home Occupation using this new definition based on the number of clients, it would be best to create a new subsection (F) under Section 5-3-4. A larger scale horse boarding operation could be defined as those with more than 4 clients. Subsection (F) could include some of the protections provided by the Home Occupation paragraphs along with the limitations outlined in the LeCompte and Elder Text Amendments.

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Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne M. Fitch". The signature is written in a cursive, flowing style.

Suzanne M. Fitch

Cc: Martin J. McLaughlin, Village President (via e-mail: mmclaughlin@barringtonhills-il.gov)



Robert Kosin <rkosin@barringtonhills-il.gov>

Fwd: Letter to ZBA - Special ZBA Meetings Tuesday, September 9th, 7:00 PM Countryside School & Thursday, September 11th, 7:00 Barrington High School

Dolores Trandel <clerk@barringtonhills-il.gov>

Tue, Sep 9, 2014 at 9:23 AM

To: Robert Kosin <rkosin@barringtonhills-il.gov>, Anna Paul <apaul@barringtonhills-il.gov>

----- Forwarded message -----

From: <kimv2me@aol.com>

Date: Tue, Sep 9, 2014 at 2:20 AM

Subject: Fwd: Letter to ZBA - Special ZBA Meetings Tuesday, September 9th, 7:00 PM Countryside School & Thursday, September 11th, 7:00 Barrington High School

To: jfreeman@barringtonhills-il.gov, jmesser@barringtonhills-il.gov, pmeroni@barringtonhills-il.gov, kselman@barringtonhills-il.gov, clerk@barringtonhills-il.gov

Dear Friends of Barrington Hills, If you wish to protect the zoning laws that you have enjoyed to date, that allow you to enjoy the peace and tranquility of our quiet, rural lifestyle, that guarantee all residents freedom from nuisances, noise, light and traffic, that guarantee freedom from outward signs of a home based business, that limits employees, contractors, clients, and hours of operation, that limits the size of barns and auxiliary buildings, you will want to attend the Special ZBA meetings this week. The Tuesday meeting at Countryside School will introduce residents to two new text amendments submitted by residents Jim Hammond and James Drury. These amendments are alternatives to the text amendments submitted and discussed at the Special July ZBA meeting submitted by Dr. Barry LeCompte (owner of Oakwood Farm recently shuttered by the Illinois Appellate Court for zoning violations) and Jason Elder, President of The Riding Club of Barrington Hills. The LeCompte/Elder text amendments propose taking commercial horse boarding out from under the zoning regulations of the Home Occupation Ordinance and placing it in the more liberal category of "Agricultural" zoning. Never in the history of our village has an amendment with the potential to change zoning law so drastically, and in my opinion, negatively, been so rushed, debated so little, and been literally hijacked by a small group bent on getting their way at the expense of so many!

*****Please read the attached letter by Suzanne M. Fitch, an attorney that specializes in zoning law asking the ZBA not to rush into any zoning changes*****

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If you are a landowner on the Riding Trails, and you are if you received an invitation to the Kalaway Cup Polo Event at Oakwood Farms this Saturday, and if you are as appalled as I with the behavior and attitudes of those few holding our local government hostage because they have the votes to do so, please join me in **SUSPENDING ALL RIDING PRIVILEGES ACROSS YOUR PROPERTY UNTIL THAT TIME WHEN A DIVERSE AND UNBIASED GROUP OF RESIDENTS ARE APPOINTED TO COME TOGETHER AND DEVELOP A FAIR AND EQUITABLE TEXT AMENDMENT PERTAINING TO COMMERCIAL HORSE BOARDING IN BARRINGTON HILLS.**

The Special ZBA Meeting on Thursday may result in a vote that will affect our lifestyles, property values, and domestic tranquility. Come to the meeting and let your voice be heard. If you would like to join the campaign to suspend activity on the riding trails feel free to email me and I will include your name on our growing list of

landowners tired of being bullied. The time to push back is now - not after the ZBA has voted.

Thank you for reading to the end and please forward to friends, neighbors, and family living in Barrington Hills.

Kim Van Fossan

"THE ONLY THING NECESSARY FOR THE TRIUMPH OF EVIL IS FOR GOOD MEN (AND WOMEN) TO DO NOTHING." Edmund Burke

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Dolores G. Trandel
Barrington Hills Village Clerk
112 Algonquin Road
[847.551.3000](tel:847.551.3000)
vbhil.gov

To ensure compliance with the Open Meetings Act, elected or appointed members of the public body may reply to this message, but they should not forward it or send a copy of the reply to other members of the public body.



2014-8-12_Horse_Boarding_Letter_to_ZBA.pdf

168K

Suzanne M. Fitch
ATTORNEY AT LAW

403 N. Gary Avenue
Wheaton, Illinois 60187

(630) 606-7670 / Fax (630) 741-3130
e-mail: FitchAtLaw@yahoo.com

August 12, 2014

VIA E-MAIL: rkosin@barringtonhills-il.gov and clerk@barringtonhills-il.gov
and FAX: (847) 551-3050

Chair Judith Freeman and Members of the Village of Barrington Hills Zoning Board of Appeals
Village of Barrington Hills
112 Algonquin Road
Barrington Hill, Illinois 60010-5199

Re: LeCompte and Elder Horse Boarding Text Amendments

Dear Chair Freeman and Members of the Zoning Board of Appeals:

My firm represents certain residents of the Village of Barrington Hills. I have been retained to review the legality and consequences of two Zoning Code text amendments which expand commercial horse boarding within the Village (LeCompte Text Amendment and Elder Text Amendment). My law practice includes zoning law, and I also serve on a Planning and Zoning Board for the City of Wheaton. As a fellow zoning board member, I appreciate your obligation to understand the law before acting to change it by text amendment.

I am familiar with the history of this issue in the Village and the litigation which resulted in two Illinois Appellate Court decisions. I have reviewed your Zoning Code and the many provisions that currently allow for the boarding, breeding, riding and training of horses. The LeCompte Text Amendment and Elder Text Amendment create a new category for commercial horse boarding which could forever change the residential character of Barrington Hills. If this Board would consider a new text amendment, it would be possible to achieve the objectives of the LeCompte and Elder Text Amendments while preserving the residential tranquility of Barrington Hills. I urge you to work toward a new compromise text amendment rather than rushing through this process by voting on a text amendment that will result in years of resident complaints and litigation.

The purpose of this letter is to offer an alternative to the LeCompte and Elder text amendments - one that preserves horse boarding under home occupation, as many residents desire, while fixing the errors in that section of the Zoning Code. This letter also proposes a new section of the Zoning Code for larger boarding operations that can offer less restrictive standards under a special use permit framework, similar to the current Animal Rescue Shelter section. It is my hope that such an incremental approach will both preserve the peace and quiet of the residential neighborhoods while allowing for the continued existence of larger scale boarding operations in the Village.

Your current Zoning Code already allows for the breeding and raising of horses as an occupation in the residential districts- it is a permitted Agricultural Use. The boarding of horses in a stable and the training of horses and their riders is also allowed in the residential districts as a home occupation. The Illinois Appellate Court stated that all the requirements of Section 5-3-4 (D) Home Occupation (including limitations as to employees, clients, customers, vehicles, building size, operations, traffic, signage etc.) apply to the boarding and training of horses. The Court emphasized the importance of these limitations, stating, "While the Zoning Code does permit the boarding and training of horses as a home occupation, it must be done in a manner that maintains the peace, quiet and domestic tranquility within all residential neighborhoods in an R-1 zoned district." *LeCompte v. Zoning Board of Appeals for the Village of Barrington Hills*, 2011 IL App (1st) 100423, ¶ 39.

The Illinois Appellate Court also found that "Several sections of the Zoning Code support the conclusion that its drafters did not intend for the commercial boarding of horses to be a permitted primary use in an R-1 zoned district." *LeCompte v. Zoning Board of Appeals for the Village of Barrington Hills*, 2011 IL App (1st) 100423, ¶ 37. The Court distinguished between the negligible effects on the neighborhood of a small home occupation boarding facility and the "significant increase in the traffic and noise in the neighborhood" created by a large commercial boarding operation. *LeCompte v. Zoning Board of Appeals for the Village of Barrington Hills*, 2011 IL App (1st) 100423, ¶ 39.

The authors of the LeCompte and Elder Text Amendments placed all commercial horse boarding under Section 5-3-4(A) Agriculture, whether small or large, quiet or disruptive. This is problematic since that section expressly states that no regulations can be imposed on the land with the exception of building and setback lines. At the July 2014 public hearing, the authors of the text amendments stated that they would accept a Floor Area Ratio requirement as part of their proposal if the Zoning Board thought it was needed. We feel that, not only must the residents be assured that Floor Area Ratio applies to all horse boarding facilities, but that the bulk regulations (including lot area and average lot width) should also apply, in addition to certain, but not all, of the requirements of the Home Occupation Section 5-3-4(D). The Zoning Board should work with the community to decide which regulations should apply to larger scale boarding operations. The LeCompte and Elder proposals to place horse boarding under 5-3-4(A) would jeopardize the many protections residents have in the peaceful occupancy of their homes and the character of their residential neighborhoods.

Instead of deleting Section 5-3-4(D)(3)(g), the subsection allowing for horse boarding as a home occupation, I would revise that section to continue to allow for smaller scale horse boarding as a permitted home occupation. A key problem is that subsection 5-3-4(D)(3)(c)(4) of the Home Occupation ordinance does not allow for the routine attendance of clients and customers, but only allows for up to four persons at any one time to receive private instruction in any subject of skill. This shortcoming can be fixed for smaller scale horse boarders so that a home occupation horse boarding facility can have up to four clients. (This number is consistent with the current number of clients allowed to receive instruction at a home occupation business at any one time). Four clients would be the total number allowed, and clients would be counted based upon actual individual owners and not associations, companies or groups of owners. This proposal of up to four clients would serve to avoid a debate about the number of horses that can be permitted at a home occupation boarding facility since the nuisance provisions of that section should protect the neighbors, and as such, the number of horses can vary based on circumstances unique to each situation. Finally, since the Court directed that horse boarding must comply with

the regulations set forth in 5-3-4(D) Home Occupation, the phrase "Notwithstanding anything to the contrary contained in this subsection D" can simply be removed.

Since larger scale horse boarding facilities will not comply with Section 5-3-4(D) Home Occupation using this new definition based on the number of clients, it would be best to create a new subsection (F) under Section 5-3-4. A larger scale horse boarding operation could be defined as those with more than 4 clients. Subsection (F) could include some of the protections provided by the Home Occupation paragraphs along with the limitations outlined in the LeCompte and Elder Text Amendments.

There is precedent for creating a new subsection (F) by looking at subsection (E) which regulates Animal Rescue Shelters. The Animal Rescue Shelters subsection (E) creates a framework whereby animal rescue shelters are subject to certain regulations (pertaining to vehicles and equipment, number of animals, employees, signage, traffic, nuisance etc.) and are categorized in Section 5-5-3 as a Special Use. Larger scale horse boarding operations (those with more than 4 clients) could mirror this same framework. In addition to the regulations provided by new subsection (F), residents would have the additional protection of being able to participate in the special use permit process by attending a public hearing. The public hearing would give the community the opportunity to weigh in on matters that are difficult to measure, such as, noise, odor, traffic and other types of nuisances which impact the public health and safety. Also, we would be open to including language so that the special use permit could run with the land.

It is my understanding that, even though the public hearing was formally closed, board members have continued to accept written comment and communicate about the matter outside of the open meeting. The residents deserve to be heard and all communications, including this letter, should be included as part of the public record.

I urge you to reopen the public hearing so that this letter, and any other communications, can be included in the public record. I further ask that you not take any action on the LeCompte and Elder Text Amendments, and instead, continue the matter so that an alternative text amendment can be presented for your consideration. In my experience, zoning boards must act carefully in changing the law. All possible scenarios should be fully considered and debated by the community before action is taken.

Sincerely,



Suzanne M. Fitch

Cc: Martin J. McLaughlin, Village President (via e-mail: mmclaughlin@barringtonhills-il.gov)



Robert Kosin <rkosin@barringtonhills-il.gov>

Fwd: Letter to ZBA - Special ZBA Meetings Tuesday, September 9th, 7:00 PM Countryside School & Thursday, September 11th, 7:00 Barrington High School

Dolores Trandel <clerk@barringtonhills-il.gov>

Tue, Sep 9, 2014 at 12:52 PM

To: Robert Kosin <rkosin@barringtonhills-il.gov>, Anna Paul <apaul@barringtonhills-il.gov>

----- Forwarded message -----

From: **Jan Goss** <jangoss@mac.com>

Date: Tue, Sep 9, 2014 at 11:59 AM

Subject: Re: Letter to ZBA - Special ZBA Meetings Tuesday, September 9th, 7:00 PM Countryside School & Thursday, September 11th, 7:00 Barrington High School

To: kimv2me@aol.com, Dolores Trandel <clerk@barringtonhills-il.gov>

Cc: "Jan C. Goss" <jangoss@mac.com>, jfreeman@barringtonhills-il.gov, jmesser@barringtonhills-il.gov, Patty Meroni <pmeroni@barringtonhills-il.gov>, Karen Selman <kselman@barringtonhills-il.gov>, Dolores Trandel <clerk@barringtonhills-il.gov>

For: Village of Barrington Hills (VBH) Clerk

From: Jan & Cathleen Goss

361 S Bateman Circle

Please include this as our submittal to the Zoning Board of Appeals hearing tonight.

Note to recipients: Kim Van Fossan may or may not agree with all of our comments, but, we whole-heartedly endorse and hereby append her comments.

Kim,

What a delight to wake up to your email missive!

It nearly perfectly matches the sentiments of my wife, Cathleen, and myself. Thus, we choose to attach our comments to yours and submit them to the Village of Barrington Hills (VBH) Zoning Board of Appeals (ZBA) and Board of Trustees (BOT).

To amplify and clarify our personal positions on VBH zoning and other village laws:

In general we feel our Village has too many overly complicated and detailed laws. The change in the R1 definition of "Agriculture" as proposed in the LeCompte/Elder proposals goes way too far and effectively destroys intended zoning protections for our residential areas. Our Village has existed with larger scale horse-boarding facilities in the past without issue and the "home occupation" provisions have served the community well. We feel that minor modifications can be made to these existing provisions, based on a tried and tested foundation. The James C Hammond proposal is closest to the approach we feel should be taken.

My wife and I can accept some outsiders enjoying our beautiful Village and the expanded Cook County Forest Preserve properties within our village. While we wish to be welcoming, we don't want to be flooded by outsiders, and we believe there are ways to accomplish those goals while maintaining the privacy, safety, and security of Village residents. Just saying "No" to outside horse boarders (or bicycle riders) or other visitors to the Forest Preserve is not going to be an effective policy in limiting traffic and protecting our residences. **It is in this context that we see nothing wrong with some limited equestrian related commercial activity including larger scale horse boarding and training within Barrington Hills. Our key concern is that this does not adversely impact existing residences with excessive noise, traffic, trash, unauthorized trespassing, etc.**

We also welcome the Suzanne Fitch comments and the two newer proposals (particularly the Hammond proposal) as valuable additions to the dialogue on the subject. This is a very important issue. It deserves a

careful, deliberate discussion. The thing we object most to is this unwarranted rush to judgement.

Judith Friedman and the members of the Zoning Board of Appeals (ZBA) are devoting time to these hearings, they are dedicated, BUT, are they open minded or are they in pursuit of a predetermined end?

This process, against the advice of our Village President to wait for more careful consideration, gives the appearance of yet another "back room" fix in the making. Were there to be fair and impartial discussion with enough dialogue **and time** to allow for careful consideration; then, if VBH ZBA recommends and BOT adopts wording that we object to, we would bear it. Among the majority serving on ZBA & BOT (former Save 5 Acre past president Abboud supporters) are people that I respect and feel appreciation for their past service. However, they need to show that they can rise above partisanship and try harder to find common ground and seek harmony within our Village.

Should the majority on the Zoning Board of Appeals and the Board of Trustees persist in rushing through an ill considered, "fait accompli" change to our zoning, be assured Cathleen and I will be firmly, consistently, and very strongly in opposition.

With dreams of a future within a more harmonious village,
Jan & Cathleen Goss

On Sep 9, 2014, at 2:20 AM, kimv2me@aol.com wrote:

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<2014-8-12_Horse_Boarding_Letter_to_ZBA.pdf>

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Dolores G. Trandel
Barrington Hills Village Clerk
112 Algonquin Road
[847.551.3000](tel:847.551.3000)
vbhil.gov

[Quoted text hidden]