

VILLAGE OF BARRINGTON HILLS

Zoning Board of Appeals NOTICE OF SPECIAL MEETING



Tuesday, August 30, 2016 ~ 6:30 pm
Countryside Elementary School - 205 W County Line Rd

AGENDA

1. Call to Order & Roll Call
2. Public Comments
3. [Vote] Minutes August 15, 2016

CONTINUED PUBLIC HEARING

4. Text amendment to Title 5 of the Zoning Ordinance relative to Horse Boarding filed by James J. Drury, III. Specifically, Applicant seeks an amendment to Sections 5-2-1 Zoning Definitions – Agriculture; Sections 5-3-4(A) Regulations for Specific Uses; 5-3-4 (D)2(b) Home Occupation Definition; 5-3-4(D)3(c)(2) and (8) Home Occupation Use Limitations; 5-3-4(D)3(g) Home Occupation – Boarding and Training of Horses; 5-5-2(A) Permitted Uses R-1 Accessory Uses; 5-5-3 Special Uses and 5-10-7 Special Uses.

PUBLIC MEETING

5. [Vote*] Text amendment to Title 5 of the Zoning Ordinance relative to Horse Boarding filed by James J. Drury, III. Specifically, Applicant seeks an amendment to Sections 5-2-1 Zoning Definitions – Agriculture; Sections 5-3-4(A) Regulations for Specific Uses; 5-3-4 (D)2(b) Home Occupation Definition; 5-3-4(D)3(c)(2) and (8) Home Occupation Use Limitations; 5-3-4(D)3(g) Home Occupation – Boarding and Training of Horses; 5-5-2(A) Permitted Uses R-1 Accessory Uses; 5-5-3 Special Uses and 5-10-7 Special Uses.
6. Adjournment

Chairman: Dan Wolfgram

NOTICE AS POSTED

*Should the public hearing warrant it, the public hearing will be continued and no vote will be taken

**VILLAGE OF BARRINGTON HILLS
ZONING BOARD OF APPEALS – SPECIAL MEETING
Countryside School
Monday, August 15, 2016**

- 1. Call to Order/Roll Call:** The Meeting was called to Order at 7:31 p.m. by Chairman Dan Wolfgram. On roll call, the following members were present:

- | | |
|--------------------------|-----------------------|
| • Dan Wolfgram, Chairman | • Patrick J. Hennelly |
| • Richard Chambers | • Jim Root |
| • David Stieper | • Debra Buettner* |

Absent: Jan Goss

*Member Buettner entered the meeting at 7:38 p.m.

Staff Present: Anna Paul, Village Clerk
Mary Dickson, Legal Counsel

2. Public Comment

Chairman Wolfgram called for public comment. There being none, the time for public comment was closed.

3. Board of Health Presentation

Gwynne Johnston, President of the Board of Health, made a presentation concerning a water quality measurement program which has begun in the Village.

4. Approval of Minutes

August 1, 2016

Member Stieper moved, seconded by Member Chambers to approve the minutes of August 1, 2016.

On a voice vote, all Members present voted “aye.” The Motion Carried.

5. Public Hearing – Drury Text Amendment/Horse Boarding (Continued)

Chairman Wolfgram opened the continued public hearing relative to the text amendment to Title 5 of the Zoning Ordinance concerning Horse Boarding filed by James J. Drury, III. Specifically, Applicant seeks an amendment to Sections 5-2-1 Zoning Definitions – Agriculture; Sections 5-3-4(A) Regulations for Specific Uses; 5-3-4 (D)2(b) Home Occupation Definition; 5-3-4(D)3(c)(2) and (8) Home Occupation Use Limitations; 5-3-4(D)3(g) Home Occupation – Boarding and Training of Horses; 5-5-2(A) Permitted Uses R-1 Accessory Uses; 5-5-3 Special Uses and 5-10-7 Special Uses.

Chairman Wolfgram announced that the Public Hearing would commence with testimony by John Blackburn, an expert in equestrian architecture, who was presented by Barrington Hills Farm.

In return to the Public Hearing, Chairman Wolfgram stated it would commence once again with the examination of the Applicant’s representative, attorney Thomas Burney. Mr. Burney objected to continued cross examination, and tendered a motion to suspend further examination. Discussion ensued.

Chairman Wolfgram called for a five minute break, lasting from 8:33 to 8:37 p.m.

In resumption of the Public Hearing, Chairman Wolfgram announced that questions could be posed to Mr. Burney, and if he declined to answer, the questions could be posed to the ZBA.

The Public Hearing continued, with residents providing testimony, and certain of their direct questions being answered by Mr. Burney. Those testifying were in opposition of the text amendment for the following reasons:

- A request was made that the ZBA table further consideration of the Drury Text Amendment until it completed the process outlined for its own review of the horse boarding text amendment and boarding in the Village. Concern was also voiced that Mr. Drury is not a land-owner and should not be allowed to apply for the amendment, and that the retroactive application sought in the proposed text is an illegal bill of attainder.
- The amendment makes no provision for emergencies and regulations relative to operation of machinery are problematic. Questions were also raised relative to the public interest motivating the amendment, as there has been no study which sets forth any reasons for changing the text which exists.
- Specific questions were raised relative to, among other items, the costs of applying for a special use permit; the time and cost of producing all documents required for a permit; the increased insurance premium required; and whether the floor area ratio calculation is important, compared to the real concern relative to adequate space for horses to be boarded.
- The ZBA has not requested information from the Equestrian Commission, which should be used as a resource.

Public comment was also made in opposition to the current text, which one resident testified as being designed to favor one resident over another, and was to the detriment of the resident's rights.

At 10:00 p.m. Chairman Wolfgram announced the Public Hearing would have to be continued due to the School District's request that the building be vacated by 10 p.m.

Discussion ensued over the time and date for the continued meeting. The ZBA agreed that all members could be present at 6:30 p.m. August 30, 2016.

Motion to continue the Public Hearing to 6:30 p.m. August 30, 2016 by Member Stieper, seconded by Member Chambers. On a roll call vote:

	Aye	No	Absent
Dan Wolfgram	X		
Richard Chambers	X		
David Stieper	X		
Patrick J. Hennelly	X		
Jim Root	X		
Debra Buettner	X		
Jan Goss			X

The Motion carried.

6. Adjournment

Motion to adjourn by Member Chambers, seconded by Member Hennelly. On a voice vote, all members present voting "aye." The meeting stands adjourned at 10:08 p.m.

Approved: _____ Dated: _____

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 Monday, July 18, 2016 at 7:30 p.m. by the Zoning Board of Appeals of the Village of Barrington Hills at the Village Hall, 112 Algonquin Road, Barrington Hills, concerning a proposed text amendment to Title 5 of the Village's Zoning Ordinance relative to Horse Boarding filed by James J. Drury, III. Specifically, Applicant seeks an amendment to Sections 5-2-1 Zoning Definitions - Agriculture; Sections 5-3-4(A) Regulations for Specific Uses; 5-3-4 (D)2(b) Home Occupation Definition; 5-3-4(D)3(c) (2) and (8) Home Occupation Use Limitations; 5-3-4(D)3(g) Home Occupation - Boarding and Training of Horses; 5-5-2(A) Permitted Uses R-1 Accessory Uses; 5-5-3 Special Uses and 5-10-7 Special Uses.

A copy of the Zoning Ordinance and the proposed amendment thereto are 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. Friday, July 15, 2016.

By: Village Clerk
Village of Barrington Hills
clerk@barringtonhills-il.gov
Fax 847.551.3050

Published in Daily Herald
July 1, 2016 (4445579)

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, Glenview

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 July 1, 2016 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 # 4445579

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

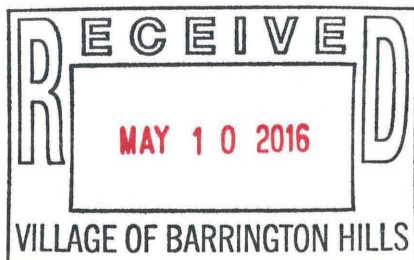
May 10, 2016

To: Ken Garrett, 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 petitions 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 May 26, 2016 and hearing on such amendment be held on June 20, 2016 or as soon thereafter as can be accommodated by the ZBA.

The proposed Text Amendments amend Zoning Code Sections:

1. 5-2-1 (Zoning Definitions - Agriculture)
2. 5-3-4 (A) (Regulations for Specific Uses)
3. 5-3-4 (D) 2 (b) (Home Occupation Definition)
4. 5-3-4 (D) 3 (c) (2) (Home Occupation Use Limitations)
5. 5-3-4 (D) 3 (c) (8) (Home Occupation Use Limitations)
6. 5-3-4 (D) 3 (g) (Home Occupation - Boarding and Training of Horses)
7. 5-5-2-(A) (Permitted Uses R-1 Accessory Uses)
8. 5-5-3 (Special Uses)
9. 5-10-7 (Special Uses)



Zoning Code Sections 5-3-4 (A) (Regulations for Specific Uses)

5-3-4: REGULATIONS FOR SPECIFIC USES:

(A) Agriculture.

1) Other than those regulations specifically provided for in section 5-3-4(A)2(a) below, the provisions of this title shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes may be required to conform to building or setback lines. In the event that the land ceases to be used solely for agricultural purposes, then, and only then, shall the provisions of the this zoning title shall apply.

2) Boarding and Training of Horses and Rider Instruction:

a) Regulations: The following provisions listed in this subsection 5-3-4(A)2(a) shall apply to the boarding and training of horses and rider instruction:

i.) The hours of operation of Boarding and Training Facilities shall be (a) employees (not residing on the property): from six o'clock (6:00) AM to nine o'clock (9:00) PM or 30 minutes past dusk, whichever is later; (b) boarders and riders receiving instruction: from seven o'clock (7:00) A.M. to eight thirty o'clock (8:30) P.M. or dusk, whichever is later; (c) use of machinery, seven o'clock (7:00) AM to nine o'clock (9:00) PM. These hourly restrictions shall not apply in the event of emergencies.

ii.) No property shall be allowed to conduct the activities subject to the regulations under this Section 5-3-4(A)2 that is not located on the same zoning lot or lots under the same ownership and/or control as the residence of the owner or operator of the related facility.

iii.) All barns shall have an animal waste management protocol consistent with published acceptable standards and in full compliance with 7-2-5 of the Village's Municipal Code.

iv.) Lighting for barns, stables and arenas shall only be directed onto the property for which such uses occur such that there is no direct illumination of any adjacent property from such lighting. In all respects, lighting for any activities or structures used in agriculture shall comply with all other provisions of the Village Code.

v.) Nuisance causing activities: It is unlawful for any person operating a Boarding and Training Facility to allow or permit any animal to cause serious or habitual disturbance or annoyance by frequent or habitual noisy conduct, which shall annoy, injure or endanger safety, health, comfort or repose of others. Noisy conduct is defined as noise which can be heard continuously within an enclosed structure off the property of the Boarding

and Training Facility for more than fifteen (15) minutes and which annoys, injures or endangers the safety, health, comfort or repose of others. In addition to the foregoing specific limitations, no Boarding or Training Facility shall cause or create any act, which endangers public health or results in annoyance or discomfort to the public, said act being defined as a nuisance under Title 7, Chapter 1 of this Code.

vi) There shall be a limit on the number of horses that a Boarding and Training Facility is allowed to board such that there shall not be in excess of two boarded horses per zoning lot acre.

vii) Properties subject to the provisions of this Section 5-3-4(A)(2) shall ensure that traffic associated with the agricultural operations is reasonably minimized, particularly at properties where access is from private roads, and including at times any events such as charity outings or clinics.

viii) Properties subject to the provisions of this Section 5-3-4(A)(2) shall provide indoor toilets for use by employees, boarders and riders and shall not rely on outdoor portable toilets for ordinary operations.

ix) Properties subject to the provisions of this Section 5-3-4(A)(2) shall comply with the maximum floor area ratio requirements applicable to single family detached dwellings as specified in Section 5-5-10-1 herein.

Zoning Code Section 5-2-1 (Zoning Definitions - Agriculture)

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry; and (including the breeding, boarding, and training of horses and riders as a hobby or as an occupation; but not the boarding of horses) and the necessary accessory uses needed 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, following: the handling or storing of produce, conducting animal husbandry, and for the breeding, boarding, and training of horses and rider instruction. It is recognized specifically that buildings, stables or structures associated with the breeding, boarding, and training activities (boarding and training facilities) may exceed the size of building associated with residential or other uses of the land, without affecting a determination that the use of such land is deemed agricultural. This definition of agriculture shall not be construed as encompassing or extending to daily or hourly rental of horses. Such amended definition is retroactive and in full force and effect as of June 26, 2006.

Zoning Code Section 5-3-4 (D) 2 (b) (Home Occupation Definition)

b. Is incidental and secondary to the principal use of such dwelling unit for residential occupancy purposes, except that it is recognized that any barn, stable, or arena, may exceed the size of the dwelling unit; and

Zoning Code Section 5-3-4 (D) 3 (c) (2) (Home Occupation Use Limitations)

(2) The floor area ratio (FAR) of the area of the building used for any such home occupation shall not exceed 0.01 (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation), ~~with the exception of any barn, stable, or arena.~~

Zoning Code Section 5-3-4 (D) 3 (c) (8) (Home Occupation Use Limitations)

~~(8) There shall be a limit on the number of horses that are subject to the home occupation activity such that there shall not be in excess of one boarded horse per zoning lot acre.~~

Zoning Code Section 5-3-4 (D) 3 (g) (Home Occupation - Boarding and Training of Horses),

~~g. Boarding And Training Of Horses And Riders: The boarding and training of horses and rider instruction shall be a permitted home occupation. For properties of less than ten (10) acres these activities are regulated under this subsection (D), and in addition must comply with the restrictions under subsections (A)2a(1), (A)2a(3), and (A)2a(8) of this section. For properties of ten (10) acres or larger, these activities are regulated solely under subsection (A)2 of this section. (Ord. 14-19, 12-15-2014)~~

Notwithstanding anything to the contrary contained in this subsection (D), the boarding of 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 boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) 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 o'clock (8:00) A.M. and eight o'clock (8:00) P.M. or sunset, whichever is later. (Ord. 06-12, 6-26-2006)

Zoning Code Section 5-5-2(A) (Permitted Uses R-1 Accessory Uses)

~~Breeding, boarding, and training of horses, and rider instruction, as regulated under Section 5-34(A)(2) or Section 5-3-4(D) as applicable.~~

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

5-2-1 Definitions:

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

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

A new subsection (1), 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 (1) 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

(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 simple majority 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.

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 R-1 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 meets 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.

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.

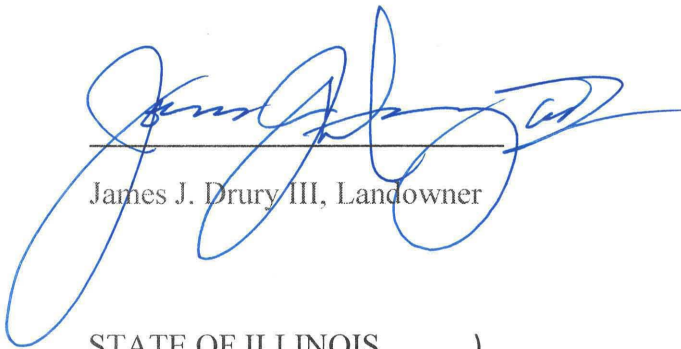
LIABILITIES: Each Commercial Boarding operator shall maintain business liability insurance to protect the Village from negligence and other lawsuits in amounts specified by the Village auditor or insurance advisor, which amount shall not be less than \$1,000,000.

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

EFFECTIVE DATE: Such amended definitions and additions contained herein are retroactive and in full force and effect as of June 26, 2006.

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Proposed Commercial Boarding Text Amendment

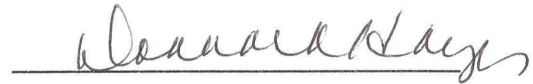


James J. Drury III, Landowner

May 10, 2016

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

Subscribed and sworn to before me this 10th day of May, 2016.



Notary Public



PUBLIC COMMENTS

Public Comments are submitted by the public and are not reviewed or endorsed by the Village.



Anna Paul <apaul@barringtonhills-il.gov>

Horse Boarding Codes

Jameschammond@aol.com <Jameschammond@aol.com>

Wed, Jul 13, 2016 at 10:49 AM

To: apaul@barringtonhills-il.gov

Anna,

PLEASE inform the ZBA these documents were not prepared for Monday's hearing, but instead were submitted some years ago during another hearing process. I want to be sure they are clear on that.

Thank you again.

Jim

Village and County Horse Ordinance Examples, Environmental Considerations and Recommendations

Overview:

A number of villages similar to Barrington Hills have zoning regulations that address horse management, and most have a standard of one horse per acre. Some have also established rules specifying maximum private stable size and boarding of horses.

With groundwater contamination, waste management and other considerations, Barrington Hills should not allow a density of horses on private properties that can negatively affect and possibly threaten the groundwater supply for Barrington Hills residents or neighboring villages.

Villages Comparable to Barrington Hills:

Homer Glen: “Excluding horses owned by the property owner or occupant, up to three (3) horses may be boarded for remuneration provided that the total number of horses on the zoning lot not exceed 1 horse per acre.”

“Private stables, horse boarding and private indoor riding arenas must be located on a zoning lot of 2 acres or greater in size.”

Source: Homer Glen Zoning Ordinance 8.41 Private Stables, Private Indoor Riding Arena, Horse Boarding

Mettawa: “Horses, except as set forth in Section 15.309A, in a number not to exceed the resultant quotient obtained by dividing the total square foot area the single family residential lot upon which the horses are to be maintained by the number 40,000, provided that in the R-1, Single-Family Residence district, no horse shall be permitted upon any lot which does not contain at least 80,000 contiguous square feet of land. In addition, any accessory building intended or used for the stabling of horses shall contain a stall for each horse consisting of a minimum inside area, of eleven and one-half feet by eleven and one-half feet (11½ x 11½) but shall not exceed spaces for five (5) horses unless a special use permit therefore has been obtained pursuant to the terms of this Code. However, a loafing shed having a roof and at least three (3) enclosed sides, with the open side facing south shall be allowable as an accessory building.”

Source: Mettawa Zoning Ordinance 15.1202 Permitted Uses

Wadsworth: “STABLE, PRIVATE: A building housing equines and associated equipment. All private stables shall conform to Lake County Health Department

regulations. A lot for a private stable shall contain at least two (2) acres for the first equine and at least one additional acre for each additional equine. No equine shall be stabled, boarded, kept or trained for hire.

Source: Wadsworth Village Code 10-2-3: Definitions

Wayne: “Wayne allows one horse or pony per acre with a minimum lot size of two acres.”

“STABLE, PRIVATE: A building or structure, accessory in nature, which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing not more than one allowable horse or pony per acre, which horses or ponies are primarily for the use of the occupants of the dwelling, but in no event for hire.”

Source: Laura Shepard, Deputy Clerk - Village of Wayne (630-584-3090)

Counties In Barrington Hills:

Cook County: “Stables, private. Zoning lots must be at least three acres in size. No more than three horses are allowed on three acres, with one additional horse allowed for every acre in excess of three acres.” – Code 4.5A.6. L

Kane County: “Kane County does not have an ordinance, but they do have a standard operating procedure that says you can have one horse per acre, but use common sense with the way you plan it, making sure you have enough pasture for these horses.”

Source: Kendall County Ad Hoc Zoning Ordinance Committee Meeting Minutes of June 24, 2009

McHenry County: “The minimum lot or parcel for a private stable shall be two (2) acres.”

“The minimum gross lot area per horse over eight (8) months of age shall be fourteen thousand (14,000) square feet. However, private stables located on parcels of ten (10) or more acres shall not be subject to a minimum lot area per horse.” *Note: The minimum area per horse (14,000 SF) is considered to be the area dedicated to horse keeping according to meeting minutes.*

“No more than two (2) horses not belonging to the owner of a private stable may be boarded in such private stable.”

Source: McHenry County Code 403 Horses and Other Equines

Environmental Considerations:

“However, the hobby farm and equine facility horse populations¹ are increasing. Poor manure management practices, including spreading manure on frozen or compacted soils, manure application in excess of crop requirements, and improper manure storage can result in the contamination of surface and groundwater.”

Source: McHenry County Groundwater Protection Action Plan – October 2009

“A good rule of thumb is that a horse needs at least a gallon of water per 100 lbs of body weight. For your average horse, this equals 10 gallons a day. Water requirements vary greatly according to the weather and the level of work that the horse is doing. For instance, if your horse is exercising in hot, humid weather, he may need 2-4 *times* the minimum amount.”

Source: Tufts Cummings School of Veterinary Medicine

“The nitrogen load from horse and goat waste can migrate to and impact ground water with elevated concentrations of nitrate and pathogenic bacteria. Limiting the density of animals per acre and managing wastes can prevent this. For example, the State of Montana has ordinance of one horse per acre. The risk to ground water depends on if the animal is corralled or allowed to roam, and if the area is grass covered or bare ground.

Horses have a habit of defecating and urinating in the same location in a corral which increases the risk of nitrogen contamination reaching ground water. For waste management ideas go to the UNR Extension web site <http://www.unce.unr.edu/water> and click on ‘Protecting Nevada’s Water’”. *Note: Montana’s total population is less than one fifth that of Cook County, IL alone.*

Source: www.ndep.nv.gov/bwpc/docs/domest_animals.pdf

“When not managed properly, horse manure (feces and urine) can pollute the environment, mainly as ground or surface water pollution due to the nutrients nitrogen, phosphorus, and carbon (organic matter). These nutrients can reach waterways as surface runoff or leachate from the manure pile.”

Source: <http://www.esc.rutgers.edu/publications/stablemgt/FS036.htm>

“Recent studies prepared for the Northeastern Illinois Planning Commission (Now CMAP) and separately for BACOG have indicated that groundwater quantity continues

¹ A single horse produces seven to nine tons of manure a year.

to be the most limited natural resource that will influence the use and character of development in Barrington Hills and surrounding BACOG area.”

“Developing trends towards higher usage of the shallow aquifer, the vulnerability of the shallow aquifer to contamination, and constraints on alternative water supplies have resulted in concern for the sustainability of groundwater in the BACOG area.”

“As the significant land holders, the equestrian community of Barrington Hills may have the greatest opportunity to assure that horse raising, riding and associated activities have a positive impact on the environmental condition of land and water in the village. Safeguarding surface water (creeks, rivers, ponds, etc.) and groundwater must be an important everyday part of horse keeping.”

“Keep the size of intensively used (horse) areas small to help reduce the volume of polluted water.”

“Manage pastures to prevent heavy grazing. Avoid soil compaction and excessive removal of vegetation by timing the use of pastures and controlling the number of horses.”

Source: Village of Barrington Hills 2030 Comprehensive Plan, Amended July 14 2008

“One of the most significant discoveries was that the western edge of the Barrington area - dominated by Barrington Hills - is the area where the underground aquifers are most quickly recharged by water from the surface.” *Note: Aquifer waters migrate west to east in Barrington Hills.*

Source: December 2, 2009 Daily Herald: <http://www.dailyherald.com/story/?id=341183>

“As we grow population, we are using water at a rate that is not sustainable. Thus, groundwater supplies cannot be guaranteed beyond 2050”

“These reports suggest we must begin to make changes to the way we use, recharge, and protect the aquifers that have supplied us all these years. Many people think the water we use is primordial and comes from deep underground reservoirs of ancient glacial water. This is not the case in the Barrington area. Our ground water is supplied from surface water seeping and filtering into the shallow aquifers, typically 150 feet deep. This water is anywhere from months to decades old”

“Additionally, aquifers do not respect any boundaries”

- Robert G. Abboud, Barrington Hills Village President

Source: Quintessential Barrington March/April 2010 Issue

Recommendations:

Craft an ordinance that specifies the number of horses allowed per acre or square footage that is *dedicated* on residential property (i.e. fenced) to the keeping of horses. Establish a ratio of owned versus boarded horses for the purposes of the ordinance to accommodate for varying lot sizes in the village for private stable owners.

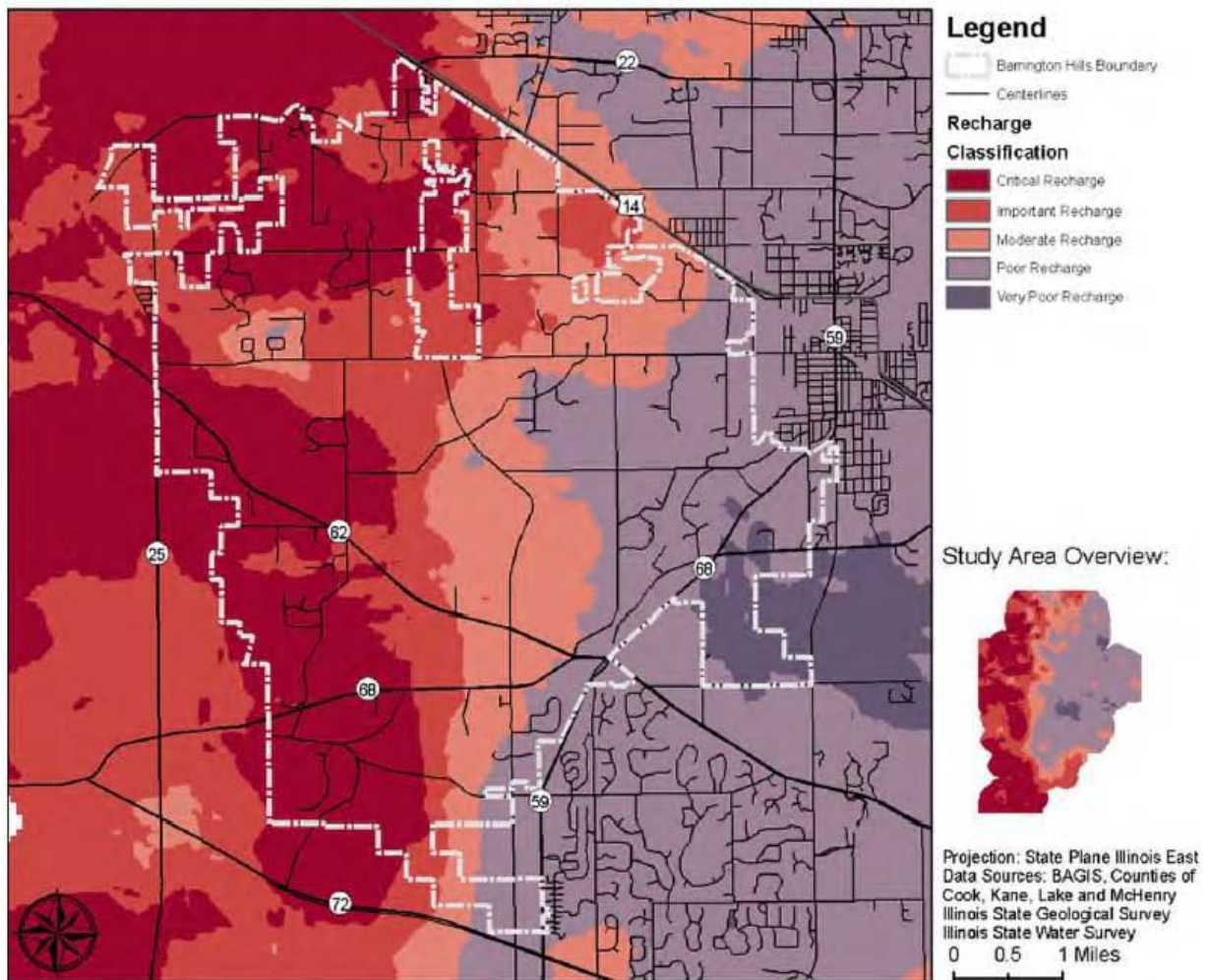
Since the boarding of horses is not licensed or inspected by the Illinois Department of Agriculture (unlike kennels or shelters for animals), there is no way to protect the welfare of horses, nor is there a system for Illinois or Barrington Hills to monitor or proper waste management or potential stored waste run off to adjacent properties or water resources.

Accordingly, the Equestrian Commission should work in conjunction with equestrian community to offer seminars and training on proper, environmentally conscious animal waste management practices. Furthermore, direct the Equestrian Commission to draft a simple waste management plan/report that considers the Illinois Livestock Management Act of 1996 and Illinois EPA guidelines for residents owning horses, regardless of number, for horse owners to submit on a reasonably periodic basis to the village.

Heavy, flooding rains are not uncommon in our area and contaminants from animal waste piles that are not contained on a suitable properly drained pad can travel miles to vital watersheds and neighboring properties. Since groundwater is so vital to village residents and surrounding communities, perhaps animal waste management should be the point of our present discussions. Protection of our environmental resources, present and future, should be the key theme of discussions.

Finally, consider the map that follows that depicts how critical water resource recharge from our village is to Barrington Hills residents and our neighbors to our east.

Barrington Hills Recharge Map



This is the portion of the recharge map that covers the Barrington Hills area. The entire western portion of the Barrington Hill area is a segment of the most important recharge area in the immediate region. Water from this recharge area supplies the groundwater in the region's drift aquifers as well as the underlying bedrock aquifer.

The poorer recharge areas, shown in grays, are in the eastern areas, and are found at higher surface elevations. The higher areas are associated with the glacial moraine which is largely composed of fine-grained materials such as silts and clays. Remember, these aquiclude and aquitard materials do not readily transmit water – a characteristic that defines poor recharge.

Comparisons of Village Horse Boarding Codes

Is horse boarding considered to be a “Home Occupation” in your village?

Bull Valley	No
Homer Glen	No
Mettawa	No
Wadsworth	No
Wayne	No
Barrington Hills Horse Boarding Amendment	Yes

What permission is required if a resident wishes to board horses in your village?

Bull Valley	Special Use Permit plus \$1,000 annual fee
Homer Glen	None
Mettawa	Special Use Permit
Wadsworth	Conditional Use Permit
Wayne	None
Barrington Hills Horse Boarding Amendment	None

Are there limitations to barn/stable size beyond the total Floor Area Ratio (FAR) of all combined property structures before a Special Use Permit is required?

Bull Valley	No
Homer Glen	Yes
Mettawa	Yes
Wadsworth	Yes
Wayne	Yes
Barrington Hills Horse Boarding Amendment	No

Does your village limit the number of horses kept on a residential property?

Bull Valley	“A reasonable number for family enjoyment”
Homer Glen	Yes, and no more than 3 boarded horses
Mettawa	Yes
Wadsworth	Yes
Wayne	Yes
Barrington Hills Horse Boarding Amendment	No

BURKE, WARREN, MacKAY & SERRITELLA, P.C.

MEMORANDUM

TO: Village of Barrington Hills

FROM: Burke, Warren, MacKay & Serritella, P.C.

RE: Comparison of Agricultural/Equestrian Zoning Ordinances

DATE: August 18, 2011

Village of Barrington Hills

OVERVIEW: The Village of Barrington Hills permits agricultural uses in all zoning districts but does not consider horse boarding to be an agricultural use. Horse boarding is only permitted in the context of the Home Occupation Ordinance.

1. Definitions:

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) 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.

Village of Wayne

OVERVIEW: The Village of Wayne's Zoning Ordinance contains a separate Chapter entitled "Equestrian Development and Uses" that deals specifically with commercial and private equestrian uses and facilities and creates a separate zoning district called, "E commercial equestrian". Commercial and private stables can also be special uses in residence districts.

1. Definitions:

Agriculture: The use of twenty (20) acres or more of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities

Village of Mettawa

OVERVIEW: The Village of Mettawa permits small scale boarding in residential districts as an accessory use and larger-scale boarding in residential districts pursuant to a special use permit.

1. Definitions:

Agriculture: All the processes of planting, growing, harvesting or crops in the open excluding the raising and feeding of livestock and poultry, dairy farming, farm buildings, and farm dwellings, and truck gardens, but including, flower gardens, apiaries, aviaries, nurseries, orchard, forestry, non-commercial green houses, and vegetable growing, however, no retail and/or roadside sales shall be permitted.

Stable: A detached accessory building the primary use of which is the keeping of horses

Stable, Private: A building or structure, accessory in nature, which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing not more than one allowable horse or pony per acre, which horses or ponies are primarily for the use of occupants of the dwelling, but in no event for hire.

Private Stable: A stable in which all horses kept on the premises are owned by the owner of the premises or members of his family, stable hands, and/or bona fide guests.

Semiprivate stable: A stable at which the operator provides for a fee, facilities to owners of horses for boarding care or training of ten (10) or more horses, including instruction in horsemanship. A bona fide sale of a horse shall not be considered to be supplying or renting of a horse by the operator to a member of the public.

2. Accessory Building:

No specific requirements for stables.

2. Accessory Buildings:

Private Stables: Stalls must be a minimum of 10' X 12'. On land between 2 and 3 acres in size, a maximum of 1,070 square feet is permitted. Size of stable increases with each additional acre, for example, a 5 acre parcel would permit a 1,745 square foot stable, up to a maximum of 2,800 square feet for any property, unless the property is over 10 acres and the owner obtains a special use permit.

2. Accessory Buildings:

Accessory buildings intended for the stabling of horses shall contain one stall for each horse and such stall must be a minimum of 11.5' X 11.5' and shall not exceed five (5) stalls without a special use permit.

3. Accessory Uses in Residence Districts:

Accessory uses in single-family districts include agricultural buildings and structures and private stables.

3. Accessory Uses in Residence Districts:

Accessory uses in single-family districts include private stables and noncommercial pursuit of agriculture, provided that no more than four (4) horses shall be kept on a 4-acre lot with one (1) additional horse permitted for each additional 4 acres.

3. Accessory Uses in Residence Districts:

Accessory uses in single-family districts include agriculture use and the keeping of horses not to exceed a certain number based on the property's square footage and further provided that the property must contain at least 80,000 square feet.

4. Special Uses:

No special use required for stabling of horses, which is currently only permitted in the context of the Home Occupation Ordinance.

4. Special Uses:

Special uses include commercial equestrian and commercial stables as well as private equestrian facilities, which are permitted in any zoning district. A special use for a commercial stable requires property containing at least twenty 20 acres. A special use for a private stable requires property containing at least 10 acres.

5. Commercial Equestrian District (as of right).

A Commercial stable in this District must be on property containing at least twenty (20) acres. If the horses are kept outside, then no more than one (1) horse per acre is permitted. If the horses are kept indoors, then one stall is required for each horse and such stall shall be a minimum of 12' X 12' with a maximum of 45 stalls and the no more than 100 horses is permitted on any property zoned for a commercial stable.

4. Special Uses:

Special Uses include agricultural buildings and structures including riding arenas and large stables for horses on owner-occupied property with no more than one (1) horse stall permitted per 40,000 square feet of land.



Village Clerk <clerk@barringtonhills-il.gov>

Submission of written testimony for the June 18 ZBA meeting

Jennifer Rousseau <rousseauj@dls.net>
To: clerk@barringtonhills-il.gov

Fri, Jul 15, 2016 at 9:55 AM

Please find the attached for inclusion in the ZBA meeting packet, thank you,

Jennifer Rousseau

Tudor Oaks Farm

L'Esprit Equestrian

2 attachments



2016 Horse Boarding - Contribution to the Community.docx
23K



2016 Horse Boarding Text Amendment in Barrington Hills submitted to VBH fv.docx
19K

Horse Boarding and Training in Barrington Hills:

Contributing to the Community for the Short and Long Term

Personal Introduction

- Jennifer Rousseau, residing at 127 Buckley Rd, Barrington Hills. Trainer and manager of all equestrian operations at Tudor Oaks Farm, located at 401 W. Cuba Rd, Barrington Hills, and owner, chief of instruction for L'Esprit Equestrian. I am a USEA Nationally Certified Level III instructor, meaning I am certified to train equestrians for the Olympic discipline of Eventing, also known as the triathlon of horse sports. I am also an advisor to the USEA Instructor Certification Program. In addition I am certified by the USHJA, which governs another Olympic equestrian discipline known as show jumping.

It is crystal clear that the will of our organized equestrian groups, equestrian residents, farm owners and concerned citizens, who fought for and supported every effort to amend the old zoning code, is directly in line with the Village of Barrington Hill's Comprehensive Plan:

- *Barrington Hills is an equestrian, intentionally open countryside oasis within a more chaotic urban metropolitan area.*
- *The largest percentage of land within the Village is devoted to "Equestrian Residential" use, or residential uses in excess of five (5) acres, totaling 72.3%.*
- *Barrington Hills is a community of residents acting as stewards for a quiet, secure and natural environment, unique within the metropolitan area, which supports the long term, sustainable use of property for equestrian-oriented, open countryside living.*
- *One characteristic which distinguishes Barrington Hills from other members of the BACOG is its equestrian tradition and the interrelationship with the natural environment in which the keeping of horses and the maintenance of the equestrian community requires the large-lots and interwoven trail system which, in turn, supports the long term sustainability of the sensitive natural environment.*

Providing necessary services for an equestrian community

- Horses are more than just pets; they are very large animals which require a great deal of care, attention and expertise. Horses are not machines; they are living, breathing beings with hearts and minds of their own. They can be unpredictable, unruly or simply may have had bad experiences, which cause their owners to seek professional help – sometimes only for the sake of their personal safety.
- Horse owners may use horses for trail riding and pleasure riding, or they may choose to be competitive in the Olympic disciplines of Eventing, show jumping or dressage. They may be interested in competing in the additional World Championship disciplines of endurance riding, combined driving, reining or vaulting, in the classic traditional sports of racing, or polo, or one of a number of growing horse sports, such as team penning or extreme cowboy competitions. Barrington Hills has produced many top equestrians, most recently, Olympic team hopeful Allison Springer.
- ***Whether horses are used for pleasure or sport, owners and riders need qualified expertise they can access, in their neighborhoods.***

- By offering riding lessons, local professional experts encourage people to try the sport.
- Professionally managed equestrian facilities may cater to both residents and non-residents, but they provide a valuable “feeder program” for new residents, new property owners, community leaders, and future stewards of our lifestyle.
- Local professionals train and coach equestrians in their equestrian pursuits, whether their goals are as modest as competing in the local mini-event or as lofty as representing the USA in the Olympic Games, or as simple as riding safely down the trails.
- All of these different equestrian enthusiasts need safe training areas with enclosed arenas; both indoor and outdoor arenas. These are large, safe enclosures where they can train young or difficult horses, where they can learn to ride, gain skills, and learn best practices in horse management, riding and training.
- It is far more practical to have several large training facilities accessible to multiple horse owners, than to expect every horse owner to build an indoor and outdoor arena on their five acre lot.
- People who ride horses tend to cluster together for the conveniences that facilitate equestrian pursuits: Easy access to veterinary and farrier services, fencing and equestrian landscaping experts, feed, bedding and hay providers. They also seek access to equestrian professionals and training facilities. That is how equestrian communities are born – that is how Barrington Hills was born.

Preservation of open green space, rolling pastures and conservation of parks and wildlife

- When you drive through our community, the green spaces, rolling pastures, four board fencing over acres of beautiful grass dotted with horses is the “signature” landscape of our town.
- In fact, commercial boarding is our best guardian of the look and feel of the community. It is only by protecting the larger breeding and boarding operations that we will be able to retain this pastoral setting for future generations.
- The Village of Barrington Hill’s own published goals are specific:
 - *Support the continuation of appropriate agricultural, equestrian and ancillary uses and land uses.*
 - *Encourage only those development patterns which enhance the equestrian based character of the community and avoid encroachment on natural resources and open space.*
 - *Protect the extensive system of public and private equestrian trails from the intrusion of other conflicting use, and assure the long term maintenance and preservation of the system which benefits property owners and riders throughout the community.*
- Equestrians are by definition conservationists. They are passionate warriors for the protection of parks, trails and wildlife refuges. The Spring Creek Forest Preserve which is the centerpiece of Barrington Hills is one of the last public lands which has been preserved in a very natural state with no intrusion of soccer fields, bicycle paths, parking lots and picnic tables. This is thanks to a comprehensive agreement between the different governing bodies including Cook County, the Barrington Hills Park District, with participation and input from the Fox River Valley Pony Club and the Riding Club of Barrington Hills
- As custodians of this beautiful park, members of the equestrian community work tirelessly to protect and preserve it for all to enjoy.

Response to Some of the Criticism and Opposition

- The primary quality necessary for any horse keeping operation is sufficient acreage. The Village of Barrington Hills is committed to the protection of large tracts of land:
 - *Perpetuating the keeping of horses and agricultural activities as a viable element of the community, along with the expansion of the interwoven open space and equestrian trail system*
 - *Preserving a community character which provides personal opportunities consistent with a countryside environment.*
- The term “horse factory” is not a valid term. Such an operation simply does not exist outside of PMU farms in Canada. The extremely high land value in Barrington Hills prohibits any viable commercial equestrian use other than a very high end operation serving a serious and dedicated brand of equestrian customer. Using the terms “horse factory” or “horse feed lots” are attempts to generate fear among non-equestrian property owners, using scare tactics and absolute fabrication of situations that will never, ever exist here, with or without regulation.
- The Village of Barrington Hills Comprehensive Plan also considers the historical nature of the town as follows:
 - *Equestrian activity is not a recent phenomenon to Barrington Hills or to the countryside area of the Village of Barrington. Since before World War I, equestrian farmers supplied the region with carriage or riding horses, and their names survive today in such roads as Otis, Buckley, and Hart.*
 - *Similar support existed when in 1994 the Riding Club of Barrington Hills conducted a survey of residents, over 90% of who responded that equestrian activity is an important part of the community character.*
 - *Such sentiment is borne out that since 1957 the Village has issued more building permits for stables for personal use than tennis courts, swimming pools, or other outdoor recreational structures. It is often been said that on horseback one can appreciate the environmental character of Barrington Hills, one tree at a time.*
- With respect to number of horses per acre: Every published study cited is referring to the amount of acreage required to **sustain a horse nutritionally**. In other words, they are studies of the grass/forage yield per acre relative to the nutritional requirements of the average equine. A horse consumes approximately 2.5% of his body weight per day, and so requires approximately 25 pounds of food per day. Horses are somewhat selective, meaning they will choose to eat some types of grass and not others; however, the yield of one acre of “mixed grasses” is generally considered to be sufficient to sustain one horse. The yield per acre can be enhanced with careful management, such as seasonal over seeding, manure removal, aeration, etc., but the one horse/one acre rule of thumb is a good start when a landowner is trying to keep horses nutritionally sustained by pasture.

Two things many of these studies do not address: Climate, and the stable-kept horse. Our northern climate requires that pasture kept horse be fed supplemental feeds for approximately 6 months of the year, and requires shelter or stabling for that same period.

In contrast to the pasture-kept horse, the stable-kept horse receives his entire ration of a hay and grain in the stables - with little or no pasture grass diet whatsoever. Typically, the stable-kept horse spends anywhere from 1 to 8 hours outside in a paddock designed for light exercise, not nutritional sustenance.

These "paddocks" are generally small, safe enclosures that several horses can be rotated through in the course of a day. **Therefore, the acreage required by the stable-kept horse is considerably less; arguably insignificant compared to horses kept outside on pasture.** I hope this clarifies the current language regarding number of horses that on ten or more acres, two horses per acre is permissible, and on less than ten acres, one horse per acre (not necessarily pastured acre) is the permissible number. That language is specifically designed to acknowledge the keeping of horses in stables as opposed to nutritionally sustained on pasture.

- Recently some ZBA members spoke on record and indicated that the current law is a “bad law”, or “could be better”. The simple fact is that the current law protects equestrians and non-equestrians in the best possible balance. By adding horse boarding and rider training to our existing permitted agricultural uses, we have closed the door to any other type of commercial activity, and provided for the safe and supportive resource of professional horse keeping and rider training, which is so necessary to a thriving equestrian community.

In summary, I would like to say that we feel a great sense of community here in our home of Barrington Hills, due in large part to the equestrian culture which is shared by so many of us, and which has historically been the common ground for so many residents. Common sense, education, discussion, openness to accept each other, with due consideration of our neighbors new and old, and respect for our heritage should be the path that brings us to great decisions for our community now, and for the future. The Zoning Board’s actions going forward clearly must be to protect the character of the village, and to preserve the intent of the community, which is and always has been, as an equestrian community. The lawful presence of horse training and boarding facilities are inherent to that outcome.

Summary Notes for the 2014 Horse Boarding Text Amendment in Barrington Hills

Submitted by Jennifer Rousseau, 127 Buckley Rd, Barrington Hills, IL

History:

There was a single catalyst which drove the changes to the zoning code which were passed in December of 2014. That catalyst was the publishing of the court opinion from the 2011 lawsuit Drury v. LeCompte. In that published ruling, the judge made it clear in multiple statements that, in his opinion, ***“horse boarding did not comport with the village code”*** (as it was written at that time). Many farm owners and the local Riding Club sought legal counsel following that publication to try and understand how such a ruling might affect all other horse boarding in the village. The consensus, from multiple legal advisors and municipal experts, was that this published court ruling would indeed set precedent, and ***place all horse boarding within the village at legal risk***. At that time, the ZBA took on the challenge of considering amendments to the zoning code to accommodate the activity of horse boarding, while protecting the rights of all landowners.

This language was not prepared in a vacuum, but rather came as the result of cumulating years of expert advice and testimony on the subject. However, it is important to understand that some of the expert testimony and equestrian commission recommendations were solicited prior to the above mentioned court ruling. The context of that pre-ruling testimony was that we were under the assumption that the home occupancy provision (as was written at that time) ***permitted horse boarding***. The published court document changed that context 180 degrees. When considering testimony and recommendations prior to the published court opinion, please recognize that the circumstances changed dramatically, which renders some prior recommendations and testimony invalid.

Legal Status:

In 2015 James Drury sued the village for passing the text amendment, citing three issues:

1. The process was flawed.

2. The text amendment was written for the benefit of a single land owner: Berry LeCompte (who has been locked in a legal battle with Drury for many years).
3. That the trustees who voted in favor of the amendments were involved in a conflict of interest.

The village president quickly structured a settlement which would rescind the text amendment in exchange for the dropping of the lawsuit. It is important to understand that Mr. Drury has spent a great deal of money, reportedly in excess of 3 million dollars, in his legal battle with Mr. LeCompte. The speedy series of events from the filing of the lawsuit to the village's quick resolution smelled of collusion.

However, the village was thwarted in their attempt to settle, because 12 other landowners took up the battle to protect the text amendment as it stands today. They petitioned the court to co-defend against the Drury lawsuit, citing that if the village would not defend, then they had rights that were protected by the text amendment which they were entitled to defend. The judge:

1. Granted the 12 landowners the right to co-defend against the Drury lawsuit (agreeing that their rights were at stake)
 2. Read the 12 landowners' statements in defense of the text amendment.
 3. Dismissed the lawsuit on all three points due to lack of evidence.
 4. Provided the plaintiff an opportunity to amend his complaint. He did so.
- The defendants, excluding the village, have filed motions to dismiss it on similar grounds to those in the successful dismissal granted this spring.

Clearly, this "test" of the 2014 text amendment validity, legality and impact was significant, and should be a strong measure of the resolve of local landowners to protect their rights to board horses and protect open space and the equestrian lifestyle that this village is renowned for.

Current status:

Mr. Drury is clearly not finished in his obsessive battle to "win" at all costs, regardless of the damage to the village community and other landowners. His

recent submission of his own text amendment, designed solely to benefit his court case, is firm evidence of his skewed motive.

Since enacting the text amendment, there has been no reporting of complaints or questionable operations, and no open floodgates of people building massive equestrian operations involving hundreds of horses. That is because, if you actually take the time to read carefully both the provisions and the restrictions that the current language encompasses you will see that, in fact, there are a full set of checks and balances which have and will continue to provide all landowners with equal protection of their rights and privacy.

Please accept this pared down examination of the current horse boarding language in our zoning regulations. I have tried to emphasize what the amendment does provide for, as well as, what it does not permit. There was a great deal of fear mongering and drama adherent to the process leading up to the passing of this amendment, and the facts were often lost in the melee.

What the ZBA Text Amendment, as passed in December 2014, **does:**

- Adds the words “boarding and training of horses and training of riders” to the ***existing definition of permitted agricultural use, within*** a residentially zoned property:
 - Existing permitted uses: Farming, dairying, pasturage, horticulture, floriculture, viticulture, breeding and animal husbandry including the breeding of horses.
- Recognizes that the buildings associated with breeding, boarding and training of horses and riders may exceed the size of the residence.
- Provides that properties under ten acres continue to be regulated under home occupation, with a limit of one horse per acre, and properties of ten or more acres be regulated under agriculture, with a maximum of two horses per acre.
- Requires that all buildings adhere to the **existing** setback rules, and that the maximum floor area ratio adheres to the **existing** code for residential properties.
- Adds specific hours for farm employees, riding instruction, and the operation of equipment.

- Limits and regulates waste management, lighting and nuisance such that it conforms to the existing zoning language.
- Addresses excessive road use and prohibits the use of portable toilets.
- Is consistent with the state of Illinois recognition of horse boarding under agriculture (as is the case in most states).
- **Mirrors the language which has protected our greatest historical equestrian communities, such as Middleburg, VA, Ocala, FL, Aiken, SC and many others.**
- Specifically, the retro-active provision: Protects the trustees who presided between 2006 and 2014, as well as the landowners who boarded horses during this time period, from any legal action, by applying this recognition retroactively to 2006, corresponding with the date when the vague and indefensible “notwithstanding” clause which was added to the zoning rules. This is the old wording: *Notwithstanding anything to the contrary contained in this subsection (D), the boarding of 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 boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of eight o'clock (8:00) A.M. and eight o'clock and eight o'clock (8:00) 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 o'clock (8:00) A.M. and (8:00) P.M. or sunset, whichever is later. (Ord. 06-12, 6-26-2006). The 2011 published court opinion in Drury v LeCompte clearly stated that horse boarding did not comport with this zoning code language, therefore landowners and trustees alike were legally exposed.*
- **Balances the rights of all residents, equestrian and non-equestrian, while protecting our large equestrian tracts of land under the most long-term effective categorization, which is agriculture.**

What the ZBA Text Amendment, as passed in December 2014, **does not do:**

- **Does not** open the door to commercial zoning of any kind, because it is very **specific to agriculture**. Gas stations and 7-11's are not agriculture. (Note: In other equestrian communities across the country, removing horse boarding from agriculture and applying case by case special use permits has opened the door to challenges from other types of commercial and retail operations, costing those communities dearly to defend)
- **Does not** change the rate of taxation of properties to agriculture. The State of Illinois has its own criteria for what constitutes agricultural property – **that has not changed**. All of Barrington Hills is zoned residential, and the first five acres is taxed as such – **that has not changed**. **Barrington Hills permits agricultural activities within their residential zoning – that has not changed**.
- **Does not** incentivise residents to start mass boarding of horses – *bees and beehives would be a much cheaper and easier way to get an agricultural tax break.*

Summary:

Do not underestimate the resolve of the equestrian community and many other local landowners to protect the rights afforded under the 2014 text amendment. To date, the amendment is working. The road to the passing of this amendment represents a very divisive and contemptuous period in our village history. It would be a sad mistake for the current village board and the ZBA to take us back down that road at this moment for no apparent reason, other than to pacify Mr. Drury and his questionable motives. Please familiarize yourselves with all aspects of the process and the amendment, from the critical course change which was required after the publishing of the court opinion, to the testimony presented throughout the process, and in particular, to the failure of Drury to use his financial and legal strong-arm to block the democratic process. I thank you for your time and due consideration,

Jennifer Rousseau



Village Clerk <clerk@barringtonhills-il.gov>

(no subject)

JR Davis <JDavis@davisbancorp.com>

Fri, Jul 15, 2016 at 4:59 PM

To: "clerk@barringtonhills-il.gov" <clerk@barringtonhills-il.gov>

For inclusion in ZBA packet.

J.R. Davis

Chairman and CEO

[Davis Bancorp](#)

[\(847\) 998-9000 ext 4460](#)

jdavis@davisbancorp.com



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2 attachments



CHISR01A-#956339-v1-Public_Comment-ZBA_Meeting_7-18-16.docx
37K



Email from Village Attorney-July 15, 2016.pdf
181K

Public Comment for the Zoning Board of Appeals Meeting Scheduled for July 18, 2016

I am J.R. Davis, Chairman of Barrington Hills Farm, and a resident of the Village of Barrington Hills. I am speaking on behalf of Barrington Hills Farm and myself.

First, we want to thank each of you for your volunteer service on the Zoning Board of Appeals. Thank you for serving our community.

Unfortunately, Barrington Hills Farm is troubled by the Agenda posted for tonight's meeting. I attended the last ZBA meeting held on Monday, June 20, and listened to numerous public comments regarding the need to preserve horse boarding in the Village. During that meeting the ZBA engaged in a thoughtful conversation regarding the Village Code and whether there was a need to reconsider the provisions related to horse boarding. I left that meeting with the understanding that this would be a thoughtful process, which would take place over at least the next three ZBA meetings. It was my understanding that the ZBA would not be considering proposed amendments for horse boarding until this September, at the earliest. My understanding is similarly reflected in the minutes from that June 20 meeting. Yet, here we are, less than one month after that meeting, and the ZBA is purportedly voting on a horse boarding text amendment submitted by a single property owner. Barrington Hills Farm is deeply concerned with the recent change in scheduling and is disappointed that such a decision was made outside of the public eye.

Putting the new schedule aside, I urge each of you to think carefully about this proposed text amendment. The proposed amendment essentially seeks to repeal Village Ordinance 14-19, which was passed by the Village Board of Trustees on February 23, 2015, to expressly delineate the rights and obligations involved with boarding horses on R-1 property in the Village. The proposed amendment included on tonight's agenda was submitted by a single

property owner, but is positioned to impact the property rights of every R-1 property in the Village. Under Section 5-10-6 (F) of the Village Code, “The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant.” Because the property owner proposing this amendment is currently engaged in two separate lawsuits regarding horse boarding activities in the Village, this amendment will advance his individual interests.

However, your role as the Zoning Board of Appeals is to consider the interests of the general public. As a member of the general public, this issue is very important to me, and to Barrington Hills Farm. First, the Village holds itself out to the community as an equestrian community. As stated in the Village’s Comprehensive Plan, “Barrington Hills is a community of residents acting as stewards for a quiet, secure and natural environment, unique within the Chicago metropolitan area, which supports the long term, sustainable use of property for equestrian-oriented, open countryside living. One characteristic which distinguishes Barrington Hills from other [] communities is its equestrian tradition.” Maintaining this vision requires ordinances that allow for horse boarding. Further, since the adoption of the 2015 horse boarding text amendment on February 23, 2015, the Village of Barrington Hills has received zero complaints regarding horse boarding activities in the Village.¹

¹ On June 28, 2016, Barrington Hills Farm through its attorneys submitted a Freedom of Information Request to the Village seeking, “Any and all complaints sent to the Village of Barrington Hills (the “Village”) regarding horse boarding activities between February 23, 2015 and today. For purposes of this request, the Village includes all Village personnel, Village representative bodies, and members of those representative bodies, including but not limited to: the Village Board, the Village Board Members (Colleen Konicek Hannigan, Fritz Gohl, Michael Harrington, Bryan C. Croll, Michell Nagy Maison, and Brian D. Cecola), the Village President (Martin J. McLaughlin), the Village Zoning Board of Appeals Members (Daniel Wolfgram, David Stieper, Richard Chambers, Jim Root, Jan C. Goss, Debra Buettner, and Patrick J. Hennelly), the Village Clerk (Anna Paul), the Director of Administration (Robert Kosin), and any past Village Board Member or Zoning Board of Appeals Member, during that time period he/she was serving the Village.” On July 15, 2016, the Village’s

(cont'd)

Second, Barrington Hills Farm acquired a substantial portion of land in and adjacent to the Village with the intention of boarding horses for two non-profit organizations, the Hooved Animal Rescue & Protection Society of Barrington, Illinois (“HARPS”) and Veterans R&R. HARPS is a non-profit organization that takes in, rehabilitates, and finds new homes for horses and other hooved animals that have been abused and neglected by their owners. Veterans R&R is a non-profit organization that works to improve the lives of Veterans and Active Duty Military members. Barrington Hills Farm invested significant money and effort based on the Village’s identity as an equestrian community and the current ordinances in the Village Code. Barrington Hills Farm is committed to providing a benefit to the community at large and to veterans. This commitment is compatible with the Village’s Comprehensive Plan and the current Village Code. Both the Village’s longstanding image as an equestrian community, and Barrington Hills Farm’s purpose in acquiring land in Barrington Hills, will be devastated if this proposed amendment is adopted.

I urge each of you to consider the Village’s longstanding commitment to equestrian uses, and our interest as residents in maintaining the current Village Code provisions regarding horse boarding. Please do not deviate from your past plans to advance the interests of a single property owner. Instead, listen to your constituents and take the time to hear from the appropriate Village entities. I urge you to vote against this proposed amendment to the Village Code. Thank you.

(cont'd from previous page)

attorneys responded to this request stating, “To confirm, the Village does not have any records responsive to item 1 (complaints regarding horse from February 23, 2015 to present).”

Winterhalter, Brooke Anderson (CHI)

From: Sean Conway <seanconway@bond-dickson.com>
Sent: Friday, July 15, 2016 4:05 PM
To: Berman, Jennifer H (CHI)
Subject: Re: June 28, 2016 FOIA - Village of Barrington Hills

Hi Jennifer,

It was nice speaking with you in connection with this FOIA Request. To confirm, the Village does not have any records responsive to item 1 (complaints regarding horse from February 23, 2015 to present) or item 3 (transcript of the June 20, 2016 ZBA meeting). The Village is still working on a search of its records concerning item 2 and I will have the Village get those records to you as soon as possible. Thanks.

Sean P. Conway
Bond, Dickson & Associates, P.C.
400 S. Knoll Street, Unit C
Wheaton, IL 60187
Phone: (630) 681-1000
Fax: (630) 681-1020

On Fri, Jul 15, 2016 at 12:58 PM, Berman, Jennifer H <Jennifer.Berman@skadden.com> wrote:

Sean,

We just learned that the Village ZBA will be holding a public hearing and vote on James Drury's proposed Horse Boarding Text amendment during the upcoming ZBA meeting on Monday, July 18. We previously agreed to a two-week extension of the Village's time to respond to our FOIA requests—giving the Village until July 19 to respond—in reliance on the ZBA's representations that Mr. Drury's text amendment would not be considered for hearing until September. (See ZBA Meeting Minutes, June 20, 2016 (attached above)). However, in light of the fact that the hearing and vote has now been advanced to Monday, July 18, we would like to request that the Village provide its responses to our FOIA requests by 12 pm that day, so that we can review the responses in advance of the public hearing.

Please let me know whether you will be able to accommodate this request.

Best,

Jennifer

From: Sean Conway [mailto:seanconway@bond-dickson.com]
Sent: Tuesday, July 05, 2016 5:34 PM
To: Berman, Jennifer H (CHI)
Subject: Re: June 28, 2016 FOIA - Village of Barrington Hills

Thanks Jennifer. Much appreciated.

Sean P. Conway
Bond, Dickson & Associates, P.C.
400 S. Knoll Street, Unit C
Wheaton, IL 60187
Phone: [\(630\) 681-1000](tel:(630)681-1000)
Fax: [\(630\) 681-1020](tel:(630)681-1020)

On Tue, Jul 5, 2016 at 5:31 PM, Berman, Jennifer H <Jennifer.Berman@skadden.com> wrote:

Sean,

Apologies for the delay. We are fine with the Village's request for an extension to respond to our FOIA requests until July 19.

Thanks,

Jennifer

On Jul 5, 2016, at 4:59 PM, Sean Conway <seanconway@bond-dickson.com> wrote:

Hi Jennifer,

In the event the requested extension is not agreeable to you, the Village will need to extend its response time under section 3(e)(iv)(v) and (vi) of FOIA. Can you let me know at your earliest convenience? Thanks.

Sean P. Conway
Bond, Dickson & Associates, P.C.
400 S. Knoll Street, Unit C
Wheaton, IL 60187
Phone: [\(630\) 681-1000](tel:(630)681-1000)
Fax: [\(630\) 681-1020](tel:(630)681-1020)

On Tue, Jul 5, 2016 at 3:23 PM, Sean Conway <seanconway@bond-dickson.com> wrote:

Hi Jennifer,

I hope all is well. I am assisting the Village with this FOIA request. The Village is still working on gathering the records you have requested but is in need of some additional time to provide a full response. The Village anticipates having this request filled on or before July 19, 2016. Can you let me know if this response date is agreeable to you? Thank you for any courtesy on this and if you have any follow-up questions, do not hesitate to contact me.

Sean P. Conway
Bond, Dickson & Associates, P.C.
400 S. Knoll Street, Unit C
Wheaton, IL 60187
Phone: [\(630\) 681-1000](tel:(630)681-1000)
Fax: [\(630\) 681-1020](tel:(630)681-1020)

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Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

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Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.



Robert Kosin <rkosin@barringtonhills-il.gov>

Public comment

Jan-Dirk Lueders <jdl@cmtam.com>

Mon, Jul 18, 2016 at 3:22 PM

To: "rkosin@barringtonhills-il.gov" <rkosin@barringtonhills-il.gov>

Cc: Frauke Lueders <frauke.lueders@cmtam.com>

Dear Mr. Kosin:

In regards to this evening's ZBA meeting I would like it to be taken to protocol, that I am strongly opposed to the Horse Boarding Text amendment as filed by James J. Drury III. As you know the motivation behind the proposal is a personal neighborhood dispute and it does not serve the greater good of the community of Barrington Hills. James Drury is attempting to micro manage an activity that should be fostered and supported instead. If adopted it will have a significant negative impact on many properties in Barrington Hills and it will change forever the Barrington Hills "special way of life" that is so core to the history and present of our village.

Let's protect Barrington Hill's uniqueness. James Drury's proposal will destroy it.

Regards,

Jan-Dirk Lueders and Family, Barrington Hills residents since 2005

Jan-Dirk Lueders



Comment and Analysis of the Drury Text Amendment

7/28/16

Bruce Pfaff
254 Otis Rd.

Comment

The first and most important question is why should the Village revisit any ordinances relating to horse boarding?

As responses to FOIA requests covering over the past ten years have shown, the only complaints about horse boarding to reach the Village have been lodged against the LeComptes by the Drurys and friends. There are other horse boarding facilities in the Village and there have been no complaints to the Village about them. The Village rules and regulations have worked well for those residents.

The dispute between the Drurys and the LeComptes is a modern day Hatfield and McCoy dispute. No amount of rule-making will reduce the enmity between them. To the extent there is a dispute about the boarding operation, it is a product of the personal enmity between them and no rule change will ever cure that.

Have the LeComptes done things to offend the Drurys? Yes. Have the Drurys done things to offend the LeComptes? Yes. Is it the business of this Village government to step in the middle of this dispute? No. Should the Village by legislation choose the winner of their dispute? No.

Mr. Drury's text amendment asks the Village to ban the LeComptes from ever boarding horses on their property under any condition, *c.f.* 5-10-7.

The law has a remedy for someone whose neighbors creates an unreasonable condition on his property that adversely affects that property owner. It is called "nuisance." Mr. Drury has shown he has access to lawyers and the legal system. To the extent that the activities of the LeComptes are a "nuisance," then Mr. Drury may be entitled to legal relief. He should take his dispute to court if he really thinks the LeComptes are maintaining a "nuisance."

It is not the function of a Village government to choose sides in a private dispute between neighbors like the LeComptes and the Drurys. The Village should reject this proposed text amendment and any of its terms.

The section below analyzes the changes that the Drury Text Amendment would make to our Code.

Analysis of the Drury Proposed Text Amendment

1. 5-3-4 It deletes current boarding, training and instruction in riding rules.
2. 5-2-1 It inserts language prohibiting the boarding of horses
3. 5-3-4D It deletes language permitting the square footage of a barn to exceed the house.
4. 5-3-4D It deletes language that excludes a barn, stable or arena from the F.A.R. requirements.
5. 5-4-3D It deletes language limiting one boarded horse per acre [however, it replaces it with a more restrictive requirement of no more than one horse per acre, boarded or not.]
6. 5-3-4D It deletes the language re home occupation of boarding for properties less than 10 acres. It adds language indicating boarding of horse shall be a permitted home occupation but that no one other than family can do work other than between 0800 and 2000 hours.
7. 5-5-2A It deletes boarding, breeding and training as a permitted R1 accessory use.
8. New 5-2-1 adds definitions, includes “Affected Parties,” giving neighbors substantial new rights to interfere with horse boarding. Defines commercial boarding to be 5 or more horses and no more than 20 horses. Defines horse boarding and indicates boarding <5 horses is permitted under H.O.O.
9. 5-5-3 Commercial Boarding is now a special use.
10. 5-10-7 new section defining commercial boarding as a special use and the permit last only five years; anyone [Berry LeCompte] found to have been in violation of zoning laws can never get a special use permit.
11. 5-10-7 (1) it asserts this is a residential village not an equestrian village. [contrary to the Village’s Comprehensive Plan that establishes this as an equestrian community]
12. 5-10-7 (2) application for special use permit requires written statements of all “affected parties” granting their permission to the proposed commercial boarding. [rights of neighbors trump rights of property owner!]
13. 5-10-7(v) requires proof of available business insurance to name the Village as an additional insured [for no good reason]. Village is permitted to set the amount of coverage required. [How could the Village be liable for the operation of a boarding facility—there is no available precedent]

14. 5-10-7 (3) after an applicant for a special use permit satisfies all listed conditions for a permit, the Board of Trustees is permitted to establish new requirements. [unstated what they might be so they could be entirely arbitrary and punitive if the applicant was not in political favor].
15. 5-10-7 (3) if all Affected Parties do not consent to the request for a special use permit for commercial boarding, the applicant must then prove its operation will NOT interfere with domestic tranquility of all Affected Parties. [an absurd requirement that applies to no other special use permit application in our village].
16. 5-10-7 (4)(i) Special Use permits cannot allow more than one horse (boarded or owned by landowner) per Grazing Acre.
17. 5-10-7 (4)(ii) No more than 20 boarded horses are permitted per operation regardless of the amount of Grazing Acres. [if someone owned 200 grazing acres, still limited to 20 boarded horses].
18. 5-10-7 (b) (iii) use of machinery [undefined] is limited to the hours of 9 am – 5 pm. [there are no hours-of-operation restrictions on landowners for using equipment]
19. 5-10-7 (5) Creates a new limit on size of barns, arenas and ancillary buildings to a total of 25,000 square feet regardless of the acreage of the property.
20. 5-10-7 (5)(b) creates new and large setback requirements for barns, arenas, etc.
21. 5-10-7 (5) (c) Creates new requirements for fire suppression sprinklers and requires fire drills every three months.
22. 5-10-7 (5)(D) Creates a maximum of 10 parking spaces.
23. 5-10-7 (5)(e) Creates a prohibition on overnight parking of non-resident horse trailers.
24. 5-10-7(5)(f) Creates limitations on lighting that is different from any other village lighting ordinance. [discriminatory]
25. 5-10-7 (5)(h) Creates a new dumpster requirements and 300' setback rule that is inconsistent with existing ordinances (100'). [discriminatory]
26. 5-10-7 (5)(h)(iii) Creates a presumption that well water pollution was caused by a boarding operation and requires immediate shutdown of the boarding facility.
27. 5-10-7 (5)(i) Boarding facilities shall be maintained to a "high level" [undefined, could easily be arbitrarily enforced] [a requirement that does not apply to any other property owner in the Village]
28. 5-10-7 Liability insurance is required for at least 1M insuring the Village. [with no indication how the Village could ever be liable or need

insurance from the operation of a boarding facility] [does Barrington Hills CC provide liability insurance for the Village?]

29. 5-10-7 Non Compliance: Allows Village to shut down non-compliant facility in 14 days and to fine it \$1,000 per day.
30. 5-10-7 Retroactive Date: Proposed ordinance is made retroactive to 6/26/06, more than ten years back. [intended to affect the rights of the Drurys and LeComptes re past litigation almost certainly].

Documents in Support of Drury Text Amendment

Submitted by:
James J. Drury III

Submitted by Thomas R. Burney
ZANCK, COEN, WRIGHT & SALADIN, P.C.

Exhibit List

Drury Text Amendment

1. Petition and Proposed Text Amendment
2. Analysis of Consistency with Section 5-1-1 *et. seq.*
3. Ordinance No. 06-12 pertaining to "Home Occupations" within the Village
4. LeCompte v. the Village of Barrington Hills *958 N.E. 2d 1065 (2011)*
5. Drury v. LeCompte *2014 IL App Unpub. LEXIS 612*
6. Comparison of Village Horse Boarding Codes
7. Analysis of Agriculture/Equestrian Zoning Ordinances dated August 18, 2011
8. July 20 ,2011 Letter from Judith Freeman, former Chairman of the Zoning Board of Appeals to the Village Board submitting a proposed draft of a Commercial Horse Boarding Ordinance recommending a Special Use approach
9. Draft Language submitted with the Judith Freeman letter
10. Veto message from Mayor Marty McLaughlin to the Village Board dated January 6, 2014
11. Agreed Order of Settlement approved by the Village Board of the Village of Barrington Hills in connection with Drury v. the Village of Barrington Hills Civil Case No. 15CH3461

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

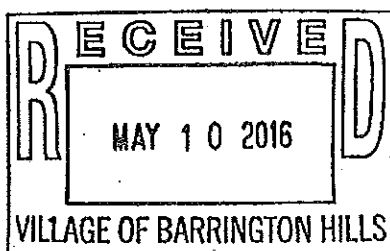
May 10, 2016

To: Ken Garrett, 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 petitions 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 May 26, 2016 and hearing on such amendment be held on June 20, 2016 or as soon thereafter as can be accommodated by the ZBA.

The proposed Text Amendments amend Zoning Code Sections:

1. 5-2-1 (Zoning Definitions - Agriculture)
2. 5-3-4 (A) (Regulations for Specific Uses)
3. 5-3-4 (D) 2 (b) (Home Occupation Definition)
4. 5-3-4 (D) 3 (c) (2) (Home Occupation Use Limitations)
5. 5-3-4 (D) 3 (c) (8) (Home Occupation Use Limitations)
6. 5-3-4 (D) 3 (g) (Home Occupation - Boarding and Training of Horses)
7. 5-5-2-(A) (Permitted Uses R-1 Accessory Uses)
8. 5-5-3 (Special Uses)
9. 5-10-7 (Special Uses)



Zoning Code Sections 5-3-4 (A) (Regulations for Specific Uses)

5-3-4: REGULATIONS FOR SPECIFIC USES:

(A) Agriculture.

1) Other than those regulations specifically provided for in section 5-3-4(A)2(a) below, the provisions of this title shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes; or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes may be required to conform to building or setback lines. In the event that the land ceases to be used solely for agricultural purposes, then, and only then, shall the provisions of the this zoning title shall apply.

2) Boarding and Training of Horses and Rider Instruction:

a) Regulations: The following provisions listed in this subsection 5-3-4(A)2(a) shall apply to the boarding and training of horses and rider instruction:

i.) The hours of operation of Boarding and Training Facilities shall be (a) employees (not residing on the property): from six o'clock (6:00) AM to nine o'clock (9:00) PM or 30 minutes past dusk, whichever is later; (b) boarders and riders receiving instruction: from seven o'clock (7:00) A.M. to eight thirty o'clock (8:30) P.M. or dusk, whichever is later; (c) use of machinery: seven o'clock (7:00) AM to nine o'clock (9:00) PM. These hourly restrictions shall not apply in the event of emergencies.

ii.) No property shall be allowed to conduct the activities subject to the regulations under this Section 5-3-4(A)2 that is not located on the same zoning lot or lots under the same ownership and/or control as the residence of the owner or operator of the related facility.

iii.) All barns shall have an animal waste management protocol consistent with published acceptable standards and in full compliance with 7-2-5 of the Village's Municipal Code.

iv.) Lighting for barns, stables and arenas shall only be directed onto the property for which such uses occur such that there is no direct illumination of any adjacent property from such lighting. In all respects, lighting for any activities or structures used in agriculture shall comply with all other provisions of the Village Code.

v.) Nuisance causing activities: It is unlawful for any person operating a Boarding and Training Facility to allow or permit any animal to cause serious or habitual disturbance or annoyance by frequent or habitual noisy conduct, which shall annoy, injure or endanger safety, health, comfort or repose of others. Noisy conduct is defined as noise which can be heard continuously within an enclosed structure off the property of the Boarding

and Training Facility for more than fifteen (15) minutes and which annoys, injures or endangers the safety, health, comfort or repose of others. In addition to the foregoing specific limitations, no Boarding or Training Facility shall cause or create any act, which endangers public health or results in annoyance or discomfort to the public, said act being defined as a nuisance under Title 7, Chapter 1 of this Code.

vi) There shall be a limit on the number of horses that a Boarding and Training Facility is allowed to board such that there shall not be in excess of two boarded horses per zoning lot acre.

vii) Properties subject to the provisions of this Section 5-3-4(A)(2) shall ensure that traffic associated with the agricultural operations is reasonably minimized, particularly at properties where access is from private roads, and including at times any events such as charity outings or clinics.

viii) Properties subject to the provisions of this Section 5-3-4(A)(2) shall provide indoor toilets for use by employees, boarders and riders and shall not rely on outdoor portable toilets for ordinary operations.

ix) Properties subject to the provisions of this Section 5-3-4(A)(2) shall comply with the maximum floor area ratio requirements applicable to single family detached dwellings as specified in Section 5-5-10-1 herein.

Zoning Code Section 5-2-1 (Zoning Definitions - Agriculture)

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture; and animal and poultry husbandry; and (including the breeding, boarding, and training of horses and riders as a hobby or as an occupation; but not the boarding of horses) and the necessary accessory uses needed 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, following: the handling or storing of produce, conducting animal husbandry, and for the breeding, boarding, and training of horses and rider instruction. It is recognized specifically that buildings, stables or structures associated with the breeding, boarding, and training activities (boarding and training facilities) may exceed the size of building associated with residential or other uses of the land, without affecting a determination that the use of such land is deemed agricultural. This definition of agriculture shall not be construed as encompassing or extending to daily or hourly rental of horses. Such amended definition is retroactive and in full force and effect as of June 26, 2006.

Zoning Code Section 5-3-4 (D) 2 (b) (Home Occupation Definition)

b. Is incidental and secondary to the principal use of such dwelling unit for residential occupancy purposes, except that it is recognized that any barn, stable, or arena, may exceed the size of the dwelling unit; and

Zoning Code Section 5-3-4 (D) 3 (c) (2) (Home Occupation Use Limitations)

(2) The floor area ratio (FAR) of the area of the building used for any such home occupation shall not exceed 0.01 (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation), ~~with the exception of any barn, stable, or arena.~~

Zoning Code Section 5-3-4 (D) 3 (c) (8) (Home Occupation Use Limitations)

(8) ~~There shall be a limit on the number of horses that are subject to the home occupation activity such that there shall not be in excess of one boarded horse per zoning lot acre.~~

Zoning Code Section 5-3-4 (D) 3 (g) (Home Occupation - Boarding and Training of Horses),

~~g. Boarding And Training Of Horses And Riders: The boarding and training of horses and rider instruction shall be a permitted home occupation. For properties of less than ten (10) acres these activities are regulated under this subsection (D), and in addition must comply with the restrictions under subsections (A)2a(1), (A)2a(3), and (A)2a(8) of this section. For properties of ten (10) acres or larger, these activities are regulated solely under subsection (A)2 of this section. (Ord. 14-19, 12-15-2014)~~

Notwithstanding anything to the contrary contained in this subsection (D), the boarding of 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 boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) 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 o'clock (8:00) A.M. and eight o'clock (8:00) P.M. or sunset, whichever is later. (Ord. 06-12, 6-26-2006)

Zoning Code Section 5-5-2(A) (Permitted Uses R-1 Accessory Uses)

~~Breeding, boarding, and training of horses, and rider instruction, as regulated under Section 5-34(A)(2) or Section 5-3-4(D) as applicable.~~

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

5-2-1 Definitions:

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

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

A new subsection (1). 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 (1) 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

(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 simple majority 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.

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 R-1 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 meets 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.

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.

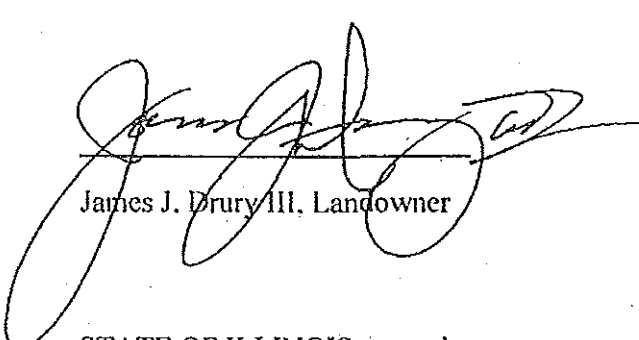
i. Facilities Upkeep: All Boarding Facilities must be maintained to a high level, inside and out, including painting or staining all wooden fences and walls, and sound roofing materials.

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.

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

EFFECTIVE DATE: Such amended definitions and additions contained herein are retroactive and in full force and effect as of June 26, 2006.

Proposed Commercial Boarding Text Amendment


James J. Drury III, Landowner

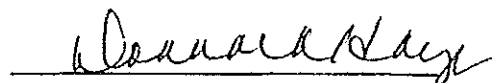
May 10, 2016

STATE OF ILLINOIS)

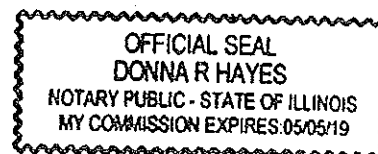
) ss

COUNTY OF COOK)

Subscribed and sworn to before me this 10th day of May, 2016.



Notary Public



5-1-1: TITLE:

This Title shall be known, cited and referred to as "The Village of Barrington Hills Zoning Ordinance".

5-1-2: INTENT AND PURPOSE:

This Title is adopted for the following purposes:

- (A) To promote and protect the public health, safety, morals, convenience and the general welfare of the people.

Current Text allows as a right throughout the Village, primarily zoned R-1 (Residential) property, does not promote or protect the public health, safety, morals, convenience and the general welfare of the people

- (B) To zone all properties in such a manner as to reflect their best use and to conserve and enhance their value.

Current Text allowing Commercial Use as a right on Residential R-1 Zoned property throughout the Village does not reflect their best use, nor does it conserve and enhance their value.

- (C) To prevent congestion by limiting the development of land to a degree consistent with the capacity of the Village to furnish adequate public services.

Current Text allowing Commercial Use on Residentially Zoned property only invites development which leads to congestion and places a potential tax burden on all Village property owners to pay for addition of services by the Village to support such development.

- (D) To prevent overcrowding of land with buildings and thereby insure maximum living and working conditions and thus prevent blight and slums.

Current Text allowing barns larger than homes does not ensure maximum living and working conditions and can contribute to blight and slums in an economic downturn.

- (E) To prevent residential, business and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses.

Current Text allows encroachment upon neighbors rights and does usurp their use by inappropriate commercial use.

- (F) To fix reasonable zoning standards to which buildings or structures shall conform.

Current Text is contrary to (F) does not call for any controls over structures.

- (G) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereinafter. (Ord. 63-1, 4-1-63)

Current Text has no restrictions relative to commercial structures.

- (H) To preserve and to improve the ecological balance in the area subject to this Title; to maintain and create high standards for air quality and water quality including ground water; to avoid disturbance of the terrain which may cause flooding; to avoid contamination of the ground water sources; to preserve the character of the community by preserving the area as a green belt area not subject to high density uses; to preserve the natural vegetation; and to avoid the ecological evils of urbanization. (Ord. 72-16, 12-18-72)

Current Text invites substantial intrusion of commercial operations in the Village without consideration to the impact of the total number of horses allowed on properties and commercial development therein, which could have a deleterious effect on contamination of ground water, and does not preserve the character of the community and preserve the area as a green belt area and can contribute to higher density uses and lead to the ecological evils of urbanization.

- (I) To prevent street congestion through adequate requirements for off-street parking and loading facilities.

Current Text is not specific as to parking and loading requirements.

- (J) To foster a more rational pattern of relationships between residential, business and industrial uses for the mutual benefit of all.

Current Text, given the retroactivity clause of the legislation and no identification of additional operators of large boarding facilities by the Village, was enacted for the benefit of one property owner and not for the mutual benefit of all.

- (K) To isolate or control the location of nuisance-producing uses.

Current Text allows throughout the Village potentially nuisance-producing commercial uses.

- (L) To provide protection against fire, explosion, noxious fumes and other hazards, in the interest of the public health, safety, comfort and the general welfare.

Commercial Text does not impose any controls on commercial buildings.

- (M) To define the powers and duties of the administrative officers and bodies, as provided hereinafter in this Title.

Commercial Text calls for no oversight by Village officials.

- (N) To prescribe penalties for the violation of the provisions of this Title, or of any amendment thereto. (Ord. 63-1, 4-1-63)

Current Text calls for no penalties for violations of provisions.

- (O) To classify, to regulate and restrict the use of property on the basis of family relationship. (Ord. 72-16, 12-18-72)

Current Text calls for no restrictions on larger parcels.

- (P) To insure high standards of light, air and open space in areas where people live and work. (Ord. 63-1, 4-1-63)

Current Text does not reference standards.

**ORDINANCE AMENDING SECTIONS 5-2-1 AND 5-3-4 OF THE VILLAGE
CODE BY REDEFINING AND ADDING RULES AND REGULATIONS
PERTAINING TO "HOME OCCUPATIONS" WITHIN THE VILLAGE**

WHEREAS, the Village of Barrington Hills (the "Village") regulates "Home Occupations" operating within the boundaries of the Village in order to provide peace, quiet and domestic tranquility within all residential neighborhoods within the Village and in order to guarantee to all residents freedom from nuisances, fire hazards, excessive noise, light and traffic, and other possible effects of business or commercial uses being conducted in residential districts; and

WHEREAS, Section 5-2-1 of the Village Code, presently contains the following definition of Home Occupation:

A 'home occupation' is any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment used except such as is permissible for purely domestic or household purposes. A professional person may use his residence for consultation, emergency treatment or performance of religious rites but not for the general practice of his profession. No accessory building shall be used for such home occupation. Notwithstanding the foregoing, the boarding of horses in a stable and the training of horses and their riders shall be a permitted home occupation; provided further that no persons engaged to facilitate such boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of 8:00 AM and 8:00 PM or sunset, whichever is later, and additionally 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 8:00 AM and 8:00 PM or sunset, whichever is later.

WHEREAS, in order to promote the health, safety, morals and general welfare of the Village and to better and more accurately regulate Home Occupations within the Village, the President and the Board of Trustees of the Village find and believe it to be in the best interest of the Village that Sections 5-2-1 and 5-3-4 of the Village Code be amended as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality, the following:

Section 1. Incorporation of Preambles. The Village Board hereby finds that the recitals contained in the preambles to this Ordinance are true and correct and does incorporate them into this Ordinance by this reference.

Section 2. Definitions. That portion of Section 5-2-1 of the Village Code, Definitions, titled, "Home Occupation," shall be, and the same hereby is, deleted in its entirety.

Section 3. Regulations for Specific Uses. Section 5-3-4 of the Village Code, Regulations for Specific Uses, shall be, and the same hereby is, amended by adding the following:

"(D) HOME OCCUPATION

INTENT AND PURPOSE:

The intent of this section is to provide peace, quiet and domestic tranquility within all residential neighborhoods within the Village and in order to guarantee to all residents freedom from nuisances, fire hazards, excessive noise, light and traffic, and other possible effects of business or commercial uses being conducted in residential districts. It is further the intent of this Section to regulate the operation of a home occupation so that the general public will be unaware of its existence. A home occupation shall be conducted in a manner which does not give an outward appearance nor manifest characteristics of a business which would infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units or infringe upon or change the intent or character of the residential district.

1. Authorization. Subject to the limitations of this Section, any home occupation that is customarily incidental to the principle use of a building as a dwelling shall be permitted in any residential zoning district.

2. Definition. A home occupation is any lawful business, profession, occupation or trade conducted from a principal building or an accessory building in a residential district that:

- a. Is conducted for gain or support by a full-time occupant of a dwelling unit; and
- b. Is incidental and secondary to the principal use of such dwelling unit for residential occupancy purposes; and
- c. Does not change the essential residential character of such dwelling unit or the surrounding neighborhood.

3. Use Limitations:

a. Employee Limitations:

- (1) The owner of every home occupation shall be a person that is a full-time occupant of the dwelling unit where such occupation is conducted.
- (2) No more than two employees or subcontractors, other than the full-time occupants of a dwelling unit shall be engaged or employed in connection with, or otherwise participate in the operation of, a home occupation at any one time. This limitation on the number of employees or subcontractors shall not apply to employees or subcontractors who are not present and do not work at the dwelling unit devoted to such home occupation.

b. Structural Limitations:

- (1) No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.
- (2) No separate entrance from the outside of the building where the home occupation is located shall be added to such building for the sole use of the home occupation.

c. Operational Limitations:

- (1) Every home occupation shall be conducted wholly within either (i) a principal building or (ii) an accessory building, but not both.
- (2) The floor area ratio (FAR) of the area of the building used for any such home occupation shall not exceed .01 (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation).
- (3) There shall be no direct retail sales of merchandise, other than by personal invitation or appointment, nor any permanent display shelves or racks for the display of merchandise to be sold in connection with the home occupation.
- (4) No routine attendance of patients, clients, customers, subcontractors, or employees (except employees and subcontractors as provided in Subparagraph 3.a.(2) of this Section)

associated with any home occupation shall be permitted at the premises of the home occupation, provided, however, that the attendance of up to four persons at any one time may be allowed for the purpose of receiving private instruction in any subject of skill. "Routine attendance" means that the conduct of the home occupation requires persons, other than the owner or permitted employees and subcontractors, to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency, or duration of such visits.

- (5) No vehicle or mechanical, electrical, or other equipment, that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor, or radiation outside the principal building or accessory building containing the home occupation that is greater or more frequent than that typical of vehicles or equipment used in connection with residential occupancy shall be used in connection with any home occupation.
- (6) All storage of goods, materials, products or merchandise used or sold in conjunction with a home occupation shall be wholly within the principal building or accessory building containing the home occupation.
- (7) No refuse in excess of the amount permitted under Section 5-3-9 of this Title shall be generated by any home occupation.

d. Signage and Visibility.

- (1) No exterior business signs on a principal building, accessory building or vehicle used in connection with the home occupation, shall be permitted in connection with any home occupation unless otherwise permitted under Section 5-5-11 of this Title.
- (2) There shall be no exterior indications of the home occupation or exterior variations from the residential character of the principal building or accessory building containing the home occupation.

e. Traffic Limitations. No home occupation shall generate significantly greater vehicular or pedestrian traffic than is typical of residences in the surrounding neighborhood of the home occupation.

f. Nuisance Causing Activities. In addition to the foregoing specific limitations, no home occupation shall cause or create any act, which endangers public health or results in annoyance or discomfort to the public, said act being defined as a nuisance under Title 7, Chapter 1 of the Village Code.

- g. Boarding and Training of Horses. Notwithstanding anything to the contrary contained in this Section 5-3-4(D), the boarding of 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 boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of 8:00 AM and 8:00 PM 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 8:00 AM and 8:00 PM or sunset, whichever is later."

Section 4. Validity. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

Section 5. Superseder and Effective Date. All resolutions, motions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded; and this Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 26th day of June, 2006.

AYES: 7

NAYS: 0

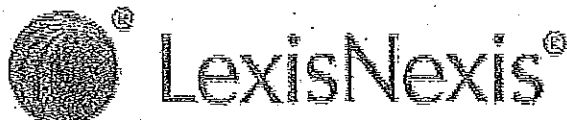
ABSENT: 0

APPROVED THIS 26th day of June, 2006.

ATTEST:

Dolores G. Tranel
Village Clerk, Deputy

[Signature]
Village President



BENJAMIN B. LECOMPTE, CATHLEEN B. LECOMPTE, and NORTH STAR TRUST COMPANY, as Successor Trustee of Harris Bank Barrington N.A., as Trustee Under Trust Number 11-5176, Plaintiffs-Appellants, v. ZONING BOARD OF APPEALS FOR THE VILLAGE OF BARRINGTON HILLS; JONATHAN J. KNIGHT, Chairman; JUDITH FREEMAN, BYRON JOHNSON, NANCY MASTERSON, GEORGE MULLEN, KAREN ROSENE and MARK ROSSI as Members of the Zoning Board of Appeals, Defendants-Appellees.

No. 1-10-0423

APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, THIRD DIVISION

2011 IL App (1st) 100423; 958 N.E.2d 1065; 2011 Ill. App. LEXIS 1014; 354 Ill. Dec. 869

September 21, 2011, Decided

SUBSEQUENT HISTORY: Related proceeding at *Drury v. LeCompte*, 2014 IL App (1st) 121894-U, 2014 Ill. App. Unpub. LEXIS 612 (2014)

PRIOR HISTORY: [***1]

Appeal from the Circuit Court of Cook County. 09 CH 00934. Honorable Nancy J. Arnold, Judge Presiding. *LeCompte v. Zoning Bd. of Appeals for Barrington Hills*, 2011 Ill. App. Unpub. LEXIS 1559 (2011)

DISPOSITION: Affirmed.

SYLLABUS

The zoning board of the village where plaintiffs resided properly ordered plaintiffs to cease and desist using their property for the commercial boarding of horses, since the commercial boarding of horses was not a permitted agricultural use in the R-1 district in which plaintiffs resided.

COUNSEL: For PLAINTIFFS-APPELLANTS: Paul M. Bauch, Kenneth A. Michaels Jr., Carolina Y. Sales, Luke J. Hinkle, Of Counsel, Bauch & Michaels, LLC, Chicago,

Illinois.

For DEFENDANTS-APPELLEES: Douglas E. Wambach, George J. Lynch, Susan M. Horner, Of Counsel, Burke, Warren, MacKay & Serritella, P.C., Chicago, Illinois.

JUDGES: JUSTICE NEVILLE delivered the judgment of the court, with opinion. Justice Quinn and Justice Murphy concurred in the judgment and opinion.

OPINION BY: NEVILLE

OPINION

[*P1] [**1066] Plaintiffs, Dr. Benjamin LeCompte, Cathleen LeCompte (LeComptes), and the North Star Trust Company as successor trustee of Harris Bank Barrington N.A. and as trustee under trust number 11-5176, filed a complaint for administrative review of a final decision by the Zoning Board of Appeals (Zoning Board) for the Village of Barrington Hills (Village). The Zoning Board upheld a Village order directing the LeComptes to stop using their property for the commercial boarding of horses because it was not a

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permitted agricultural use in an R-1 zoned district. The circuit court affirmed the Zoning Board's decision. We find that the commercial [***2] boarding of horses is not a permitted use of property in a R-1 zoned district because it is not agriculture as that term is defined in section 5-2-1 of The Village of Barrington Hills' Zoning Ordinance (Zoning Code). Therefore, we affirm the order of the circuit court.

[*P2] BACKGROUND

[*P3] The LeComptes are the beneficial owners of approximately 130 acres of property located at 350 Bateman Road, in the Village of Barrington Hills, Illinois. The property was organized in December of 2003, as Oakwood Farm of Barrington Hills, L.L.C. (Oakwood Farm) for the purpose of operating a horse farm. There are approximately 45 horses boarded at Oakwood Farm and 35 are owned by third [**1067] parties who signed an "Equine Training and Breeding Agreement." The other 10 horses are owned by the LeComptes and 2 of those horses are involved in breeding. The property consists of a single-family residence where the LeComptes reside with a stable and a riding arena, which is approximately 30,000 square feet, and there are 60 stalls for the horses and other buildings. In addition to boarding horses, the LeComptes also grow, cut and bale their own hay; raise, train and sell horses; provide pasturage; and provide veterinary [***3] services for the horses.

[*P4] The Village has been predominantly a residential community, with approximately 72.3% of its land dedicated to residential and agricultural property more than five acres in size, 24.6% of its land is forest preserves, 2.1% is residential property less than five acres in size, 0.7% is institutional, and 0.4% is business and industrial. Many of the residential properties are involved in equestrian activities and these activities remain an important part of the Village's character.

[*P5] Oakwood Farm is located in a residential district of the Village zoned R-1. The preamble to section 5-5-2 of the Village's Zoning Code provides (1) that agriculture is a permitted use for land located in an R-1 zoned district; (2) that other than accessory uses - uses incidental to and on the same or an adjacent zoning lot or lots under one ownership - only one of the enumerated permitted uses may be established on a zoning property; and (3) that no building or zoning lot shall be devoted to any use other than a use permitted in the zoning district.

Village of Barrington Hills Zoning Ordinance § 5-5-2 (Feb. 27, 2006).

[*P6] Section 5-2-1 of the Zoning Code defines "agriculture" as "[t]he [***4] 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)." Village of Barrington Hills Zoning Ordinance § 5-2-1 (added Dec. 18, 1972). Section 5-2-1 also defines "animal husbandry" as "[t]he breeding and raising of livestock, such as horses, cows and sheep." Village of Barrington Hills Zoning Ordinance § 5-2-1 (added June 27, 2005).

[*P7] On January 10, 2008, the Village's attorney delivered a cease and desist letter to the LeComptes which stated that the LeComptes' property, Oakwood Farm, was being used as a commercial horse boarding facility in violation of the Zoning Code and ordered the LeComptes to immediately cease and desist using the property for the nonpermitted use.

[*P8] The LeComptes filed an appeal with the Zoning Board. The Zoning Board conducted a hearing on August 13 and 28, 2008, which was attended by the parties to this appeal, the attorneys for the LeComptes and the Village, and members of the community. The issue before the Zoning Board was whether the commercial boarding of horses is agriculture, a permitted [***5] use of property in a R-1 zoned district under section 5-5-2(A) of the Zoning Code.

[*P9] During the hearing, the LeComptes admitted that they were using their property for the commercial boarding of horses. Dr. LeCompte argued that the commercial boarding of horses is agriculture as defined by section 5-2-1 of the Zoning Code. He also argued that since the commercial boarding of horses is a permitted agricultural use, according to section 5-3-4(A) of the Zoning Code, the Zoning Board was without authority to regulate the use of his property.

[*P10] [**1068] The attorney for the Village, Doug Wambach, argued that the commercial boarding of horses is not a permitted use in an R-1 zoned district. He also argued that, according to the definition of agriculture in section 5-2-1 of the Zoning Code, only the breeding and raising of horses is a permitted use in an R-1 zoned district and horse boarding is not. He further argued that the drafters of the Zoning Code intended that the

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permitted uses in an R-1 zoned district would be compatible with each other and that Oakwood Farm's commercial boarding facility was not compatible with the other single-family residences in the R-1 zoned district.

[*P11] At the conclusion of [***6] the hearing, the Zoning Board made the following findings: (1) that the LeComptes are operating a commercial boarding facility in an R-1 zoned district; (2) that the commercial boarding of horses is not a permitted agricultural use in an R-1 zoned district; and (3) that because the commercial boarding of horses is not a permitted agricultural use, section 5-3-4(A) does not apply. Finally, the Zoning Board denied the LeComptes' petition to overturn the Village's order to cease and desist using Oakwood Farm for the commercial boarding of horses.

[*P12] The LeComptes filed a complaint for administrative review in the circuit court and requested that the Zoning Board's decision be reversed. The circuit court affirmed the Zoning Board's decision and the LeComptes appealed to the appellate court.

[*P13] After the LeComptes filed their reply brief in the appellate court, the Zoning Board filed a motion to strike the reply brief and argued that it contained arguments that were not presented in the administrative proceedings in the circuit court or in its initial appellate brief. The Zoning Board's motion to strike was taken with the case.

[*P14] ANALYSIS

[*P15] I. Standard of Review

[*P16] The LeComptes appeal from the circuit [***7] court's order affirming the Zoning Board's decision. Appellate courts review the decision of the administrative agency, herein the Zoning Board, not the circuit court. *Kimball Dawson, LLC v. City of Chicago Department of Zoning*, 369 Ill. App. 3d 780, 786, 861 N.E.2d 216, 308 Ill. Dec. 151 (2006). The Zoning Board was asked to interpret the Village's Zoning Code to determine whether the commercial boarding of horses is agriculture, a permitted use under the Zoning Code. The LeComptes have admitted that they were engaged in the commercial boarding of horses on their property. However, the parties disagree about whether or not the commercial boarding of horses is agriculture. We note that a mixed question of law and fact is one in which the facts are admitted or established, the rule of law is

undisputed, and the issue is whether the facts satisfy the statutory standard or whether the rule of law as applied to the historical facts is or is not violated. *AFM Messenger Service, Inc. v. Department of Employment Security*, 198 Ill. 2d 380, 391, 763 N.E.2d 272, 261 Ill. Dec. 302 (2001). The agency's application of a rule of law to a mixed question of law and fact will not be reversed unless it is clearly erroneous. *Cook County Republican Party v. Illinois State Board of Elections*, 232 Ill. 2d 231, 243-44, 902 N.E.2d 652, 327 Ill. Dec. 531 (2009). [***8] A decision is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake has been committed. *Cook County Republican Party*, 232 Ill. 2d at 244.

[**1069] [*P17] II. The Village's Zoning Code

[*P18] A. The Village is a Home Rule Unit of Government

[*P19] The threshold question we must decide is whether the Village had the power to promulgate the Zoning Code. We note that the Illinois Constitution makes the Village a home rule unit of government; therefore, it "may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare." Ill. Const. 1970, art. VII, § 6(a). As a home rule unit, the Village has the power to enact the Zoning Code (*County of Cook v. John Sexton Contractors Co.*, 75 Ill. 2d 494, 511-12, 389 N.E.2d 553, 27 Ill. Dec. 489 (1979)), as long as the legislative enactment comports with constitutional requirements. *Thompson v. Cook County Zoning Board of Appeals*, 96 Ill. App. 3d 561, 569, 421 N.E.2d 285, 51 Ill. Dec. 777 (1981). The Village also has the power to define the terms in its Zoning Code and the terms may be given a broader or narrower meaning than they otherwise would have. *County of Lake v. Zenko*, 174 Ill. App. 3d 54, 59-60, 528 N.E.2d 414, 123 Ill. Dec. 869 (1988) [***9] (citing *People v. Burmeister*, 147 Ill. App. 3d 218, 222, 497 N.E.2d 1212, 100 Ill. Dec. 850 (1986), appeal denied, 113 Ill. 2d 577, 505 N.E.2d 355, 106 Ill. Dec. 49 (1987)). Accordingly, we hold that the Illinois Constitution empowered the Village, a home rule unit, to enact its Zoning Code. Ill. Const. 1970, art. VII § 6(a).

[*P20] B. The Rules of Statutory or Ordinance Construction

[*P21] Next, we must determine whether the

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Zoning Board's decision - that the commercial boarding of horses is not agriculture, a permissible use, according to the Villages' Zoning Code - was clearly erroneous. See Village of Barrington Hills Zoning Ordinance § 5-2-1 (added Dec. 18, 1972); § 5-5-2(A) (Feb. 26, 2006).

[*P22] The rules of statutory construction apply to municipal ordinances, like the Village's Zoning Code. *Pooh-Bah Enterprises, Inc. v. County of Cook*, 232 Ill. 2d 463, 492, 905 N.E.2d 781, 328 Ill. Dec. 892 (2009). When a court construes a zoning ordinance, "[e]ffect should be given to the intention of the drafters by concentrating on the terminology, its goals and purposes, 'the natural import of the words used in common and accepted usage, the setting in which they are employed, and the general structure of the ordinance.'" [Citation.] *Cosmopolitan National Bank v. County of Cook*, 103 Ill. 2d 302, 313, 469 N.E.2d 183, 82 Ill. Dec. 649 (1984). The [***10] best indication of legislative intent is the statutory language, given its plain and ordinary meaning. *Lauer v. American Family Life Insurance Co.*, 199 Ill. 2d 384, 388, 769 N.E.2d 924, 264 Ill. Dec. 87 (2002).

[*P23] C. Agriculture is a Permitted Use Under the Zoning Code

[*P24] With the rules of statutory construction in mind, we now review the Zoning Board's decision. The LeComptes argued before the Zoning Board that commercial horse boarding is a permitted agricultural use under section 5-5-2(A) of the Zoning Code. Village of Barrington Hills Zoning Ordinance § 5-5-2(A) (Feb. 26, 2006). They also argued that the terms breeding and raising, in the definition for agriculture in section 5-2-1 of the Zoning Code (Village of Barrington Hills Zoning Ordinance § 5-2-1), encompass the boarding of horses. The Village disagrees and argues that the boarding of horses is not a permitted use under section 5-5-2(A) of the Zoning Code and that the boarding of horses is not agriculture [**1070] based upon the definition of agriculture in section 5-2-1 of the Zoning Code.

[*P25] Section 5-5-2(A) of the Zoning Code provides that agriculture is a permitted use in an R-1 zoned district. Village of Barrington Hills Zoning Ordinance § 5-5-2(A) (Feb. 26, 2006). Section 5-5-2(A) [***11] sets forth the permissible uses in an R-1 zoning district as (1) agriculture, (2) single-family detached dwellings, (3) signs, and (4) accessory uses, incidental to and on the same or an adjacent zoning lot or lots under one ownership, as the principal use. Village of Barrington

Hills Zoning Ordinance § 5-5-2(A) (Feb. 26, 2006). Therefore, we must determine whether the Zoning Board erred when it found that the commercial boarding of horses is not agriculture, a permitted use, as defined by section 5-2-1 of the Zoning Code.

[*P26] D. The Commercial Boarding of Horses is Not Agriculture

[*P27] As previously indicated, section 5-2-1 defines agriculture as "[t]he use of land for agricultural purposes, including animal husbandry (including the breeding and raising of horses as an occupation)." Village of Barrington Hills Zoning Ordinance § 5-2-1 (added Dec. 18, 1972). The preamble to the definitions in section 5-2-1 provides that "[i]n the construction of this zoning title, the words and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise." Village of Barrington Hills Zoning Ordinance § 5-2-1. Finally, the rules of statutory construction [***12] provide that when specific definitions of any terms are provided, those definitions, when reasonable, will be sustained to the exclusion of hypothetical indulgences. *R VS Industries, Inc. v. Village of Shiloh*, 353 Ill. App. 3d 672, 674, 820 N.E.2d 503, 289 Ill. Dec. 727 (2004).

[*P28] In support of their argument that commercial horse boarding is agriculture, the LeComptes focus on the term "including" that is used in the definition of agriculture and they argue that the use of the term "including" means that the list following the term is illustrative not exhaustive, and that the terms that follow are a partial list. We find the LeComptes' argument is consistent with cases construing the terms "includes" and "including." See *People v. Perry*, 224 Ill. 2d 312, 328, 864 N.E.2d 196, 309 Ill. Dec. 330 (2007); *Paxson v. Board of Education of School District No. 87*, 276 Ill. App. 3d 912, 920, 658 N.E.2d 1309, 213 Ill. Dec. 288 (1995). However, while the Zoning Code defined "agriculture" as land used for "agricultural purposes," and used the term "including" to provide examples of other uses of land for agricultural purposes, unless the boarding of horses is similar to other uses in the definition, the rules of statutory construction prevent us from saying that the Village intended for the commercial boarding [***13] of horses to be a use included in that list. *Perry*, 224 Ill. 2d at 328 (the preceding general term is to be construed as a general description of the listed items and other similar items).

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[*P29] Specifically, the LeComptes argue that the terms "breeding" and "raising" in the definition of "agriculture" encompass the boarding of horses. The definition of "agriculture" in section 5-2-1 lists animal husbandry as a use for agricultural purposes. Village of Barrington Hills Zoning Ordinance § 5-2-1 (added Dec. 18, 1972). The definition also includes the "breeding and raising of horses as an occupation" as an example of animal husbandry. Village of Barrington Hills Zoning Ordinance § 5-2-1 (added June 27, 2005). Because the Zoning Code does not define the terms "breeding" and "raising," we will look at a dictionary to give the terms their ordinary and popularly understood meaning. *O'Donnell v. City of Chicago*, 363 Ill. App. 3d 98, 107-08, 842 N.E.2d 208, [**1071] 299 Ill. Dec. 469 (2005) (citing *People v. Maggette*, 195 Ill. 2d 336, 349, 747 N.E.2d 339, 254 Ill. Dec. 299 (2001)); *In re Detention of Bailey*, 317 Ill. App. 3d 1072, 1086, 740 N.E.2d 1146, 251 Ill. Dec. 575 (2000) (A "court may look to dictionary definitions to derive the plain and ordinary meaning without rendering the term ambiguous.") (citing *In re A.P.*, 179 Ill. 2d 184, 198-99, 688 N.E.2d 642, 227 Ill. Dec. 949 (1997)).

[*P30] [***14] Webster's Third New International Dictionary defines the term "breeding" as "the action or process of bearing or generating", as gestation or hatching, or as the propagation of plants and animals. Webster's Third New International Dictionary 274(1986). Webster's also defines the term "raising" as "the breeding and care of animals", and it defines the term "raise" as breeding or caring for animals to maturity. Webster's Third New International Dictionary 1877 (1986). We note that Webster's defines "boarding" as the act of supplying meals and lodgings for pay. (Emphasis added.) Webster's Revised Unabridged Dictionary 160 (1913). We find that Webster's definitions make it clear that a person who boards horses engages in different acts from a person who breeds and raises horses.

[*P31] We note that the Zoning Code also defines "animal husbandry" as "[t]he breeding and raising of livestock, such as horses." Village of Barrington Hills Zoning Ordinance § 5-2-1 (added June 27, 2005). The definition does not include the commercial boarding of horses as part of the definition of animal husbandry. Based upon the Zoning Code's definition of agriculture and Webster's definitions of the terms breeding, [***15] raising, and boarding, we find that the drafters of the Zoning Code did not intend for the commercial boarding

of horses to be included in the definition of agriculture as a use for agricultural purposes. *Cosmopolitan National Bank*, 103 Ill. 2d at 313.

[*P32] We are unwilling to interpret the definition for agriculture in the Zoning Code to include the commercial boarding of horses as a use for agricultural purposes because the words in context do not support such an interpretation. *Cosmopolitan National Bank*, 103 Ill. 2d at 313; Village of Barrington Hills Zoning Ordinance § 5-2-1 (added Dec. 18, 1972). Therefore, following *Perry*, we find that, while the terms in the definition of "agriculture" that describe the uses for agricultural purposes are not exhaustive, if there are any other terms to be included in the description of uses of the land for agricultural purposes they should be *similar* to, not different from, as in this case, the listed terms. *Perry*, 224 Ill. 2d at 328; also see *Paxson*, 276 Ill. App. 3d at 920; *Kostecki v. Pavlis*, 140 Ill. App. 3d 176, 181, 488 N.E.2d 644, 94 Ill. Dec. 645(1986).

[*P33] B. Using Stables for the Commercial Boarding of Horses Does Not Comport With the Village's Zoning Code

[*P34] Next, the LeComptes [***16] argue that using their stables for the commercial boarding of horses comports with the Village's Zoning Code. We disagree. The Zoning Code defines a "stable" as "[a] detached accessory building the primary use of which is the keeping of horses." Village of Barrington Hills Zoning Ordinance § 5-2-1 (added Feb. 27, 2006). We note, however, that the Zoning Code also defines an "accessory building" as "subordinate to and serves a principal building or principal use." Village of Barrington Hills Zoning Ordinance § 5-2-1 (added Apr. 1, 1963). Although the stable may be an [**1072] accessory building, the LeComptes are not using the stable as an accessory building that is subordinate to a principal building or use. Therefore, 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.

[*P35] F. Viewed in its Entirety, the Zoning Code Supports the Zoning Board's Decision

[*P36] The LeComptes also argued that the Village intended for residents to commercially board horses. In order to determine the intent of the Village when it

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enacted the Zoning Code, we must consider the Zoning [***17] Code in its entirety. *Orlak v. Loyola University Health System*, 228 Ill. 2d 1, 8, 885 N.E.2d 999, 319 Ill. Dec. 319 (2007) (citing *Perry*, 224 Ill. 2d at 323).

[*P37] 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. For example, section 5-1-2 explains the "intent and purpose" of the Zoning Code and provides that it is "[t]o promote and protect the public health, safety, *** convenience and the general welfare of the people. *** [P]revent congestion *** overcrowding of *** residential, *** areas *** from harmful encroachment by incompatible *** inappropriate uses." Village of Barrington Hills Zoning Ordinance § 5-1-2. (Apr. 1, 1963).

[*P38] In addition, subsection 5-3-4(D) entitled "Home Occupation" explains that the residential tranquility of the neighborhood must remain paramount when a business is conducted from the principal building. Village of Barrington Hills Zoning Ordinance § 5-3-4(D) (added June 26, 2006). Subsection 5-3-4(D)(2) defines "home occupation" in pertinent part as "any lawful business, *** occupation *** conducted from a principal building or an accessory building in a residential [***18] district that *** [i]s incidental and secondary to the principal use of such dwelling unit for residential occupancy purposes." Village of Barrington Hills Zoning Ordinance § 5-3-4(D)(2) (added June 26, 2006). A home occupation must be conducted in a manner that (1) "provide[s] peace, quiet and domestic tranquility within all residential neighborhoods," (2) "guarantee[s] * * * freedom from [the] possible effects of business or commercial uses," and (3) cannot "generate significantly greater vehicular or pedestrian traffic than is typical of residences in the surrounding neighborhood of the home occupation." Village of Barrington Hills Zoning Ordinance § 5-3-4(D)(3)(e).

[*P39] The record reveals that commercial boarding at Oakwood Farm caused a significant increase in the traffic and noise in the neighborhood and resulted in complaints by the surrounding property owners. The record also reveals that Oakwood Farm's primary purpose is the commercial boarding of horses, which is a use that is not incidental and secondary to residential occupancy. 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 [***19] and domestic tranquility within all residential neighborhoods in an R-1 zoned district. See Village of Barrington Hills Zoning Ordinance § 5-3-4(D)(3)(g) (added June 26, 2006). We find that the commercial boarding of horses does not comport with the overall intent of the Zoning Code. Therefore, the Zoning Board's decision was not clearly erroneous.

[*P40] G. Section 5-3-4(A) Does Not Apply in This Case

[*P41] Finally, the LeComptes also argue that section 5-3-4(A), which restricts the [***1073] Village from "impos[ing] regulations or requir[ing] permits with respect to land used or to be used for agricultural purposes," applies in this case. Village of Barrington Hills Zoning Ordinance § 5-3-4 (Apr. 1, 1963). We disagree. Section 5-3-4(A) is clear that "[i]n the event the land ceases to be used solely for agricultural purposes, then, and only then, shall the provisions of the zoning title apply." Village of Barrington Hills Zoning Ordinance § 5-3-4 (Apr. 1, 1963). Here, because the LeComptes' property as used primarily for the commercial boarding of horses, which is not a use for agricultural purposes, section 5-3-4(A) of the Zoning Code did not apply. Accordingly, the Zoning Board's decision that section 5-3-4(A) [***20] did not apply was not clearly erroneous.

[*P42] H. The LeComptes' Cases Do Not Support Their Position

[*P43] The LeComptes rely on a number of cases to support their position. In *Tuftee v. County of Kane*, 76 Ill. App. 3d 128, 394 N.E.2d 896, 31 Ill. Dec. 694 (1979), the court held that the care and training of horses for show was an agricultural purpose. We find that the zoning ordinance in *Tuftee* is different from the Zoning Code in this case. Unlike the zoning ordinance in this case, in *Tuftee*, there was no definition for agriculture provided in the zoning ordinance. Therefore, because the *Tuftee* court had to resort to extrinsic sources, other cases and the dictionary to obtain a definition for terms in its zoning ordinance, it is distinguishable from this case. *Tuftee*, 76 Ill. App. 3d at 131-32. See *County of Knox ex rel. Masterson v. The Highlands, LLC*, 188 Ill. 2d 546, 556, 723 N.E.2d 256, 243 Ill. Dec. 224 (1999).

[*P44] In *Borrelli v. Zoning Board of Appeals*, 106 Conn. App. 266, 941 A.2d 966 (Conn. App. Ct. 2008) the

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facts are also distinguishable from the facts in our case. Although the zoning regulations in *Borrelli* contained a definition for "agriculture" similar to the definition of "agriculture" in our case, the descriptive phrase following "animal husbandry" "(including the breeding [***21] and raising of horses as an occupation)" in the Village's Zoning Code is not included in the zoning ordinance in *Borrelli*. *Borrelli*, 941 A.2d at 972-73. In addition, unlike the ordinance in our case, there is no definition for "animal husbandry" contained in the ordinance in *Borrelli*. *Borrelli*, 941 A.2d at 972-73. Therefore, *Borrelli* is also distinguishable from this case.

[*P45] The LeComptes also cite other Illinois cases, *People ex rel Pletcher v. City of Joliet*, 321 Ill. 385, 388, 152 N.E. 159 (1926), and *County of Knox ex rel Masterson v. Highlands, L.L.C.*, 302 Ill. App. 3d 342, 346, 705 N.E.2d 128, 235 Ill. Dec. 515 (1998), in support of their position. However, as the Zoning Board correctly states in its brief, these cases are also distinguishable. In both *City of Joliet* and *County of Knox*, the term "agriculture" was undefined and the courts resorted to extrinsic sources for a broad definition of those terms. *City of Joliet*, 321 Ill. at 388 ("is [a]griculture' is another indefinite word which renders the statute more or less uncertain"; as such the court resorted to the broad dictionary definition of "agriculture"); *County of Knox*, 302 Ill. App. 3d at 346 (the court applied the dictionary definition of "agriculture" used by the [***22] supreme court in the *City of Joliet*).

[*P46] Finally, the LeComptes' reliance on *Steege v. Board of Appeals*, 26 Mass. App. Ct. 970, 527 N.E.2d 1176, 1178 (Mass. App. Ct. 1988), is misplaced because the term "agriculture" was not defined and decisions from other jurisdictions are not binding on this court. *Travel 100 Group, Inc. v. Mediterranean Shipping Co. (USA)*, 383 Ill. App. 3d 149, 157, 889 N.E.2d 781, [**1074] 321 Ill. Dec. 516 (2008). Accordingly, because the facts in the aforementioned cases are distinguishable from the facts in the instant case, we see no reason to follow these cases.

[*P47] We find that the commercial boarding of horses is not agriculture as defined by the Zoning Code. Accordingly, we hold that the Zoning Board's decision, that the commercial boarding of horses is not agriculture and is not a permitted use in an R-1 zoned district, was not clearly erroneous. Village of Barrington Hills Zoning Ordinance § 5-2-1, (added Dec. 18, 1972); § 5-5-2(A)

(June 27, 2006), *Cosmopolitan National Bank*, 103 Ill. 2d at 313.

[*P48] III. Zoning Board's Factual Findings

[*P49] Next, the LeComptes argue that the Zoning Board's decision contains erroneous factual findings because it did not accurately summarize comments from certain audience members who were not called to [***23] testify. The Zoning Board's factual findings are deemed *prima facie* true and correct, and its decision will not be disturbed on review unless it is contrary to the manifest weight of the evidence. *Scadron v. Zoning Board of Appeals*, 264 Ill. App. 3d 946, 949, 637 N.E.2d 710, 202 Ill. Dec. 171 (1994). A decision is contrary to the manifest weight of the evidence only where the reviewing court determines, viewing the evidence in the light most favorable to the agency, that no rational trier of fact could have agreed with the agency. *Scadron*, 264 Ill. App. 3d at 949. If there is any competent evidence supporting the agency's determination, it should be affirmed. *Scadron*, 264 Ill. App. 3d at 949 (citing *Abrahamson v. Illinois Department of Professional Regulation*, 153 Ill. 2d 76, 88, 606 N.E.2d 1111, 180 Ill. Dec. 34 (1992)). We found nothing in the record to suggest that the Zoning Board's findings were unsupported by the evidence in the record. Therefore, because there was competent evidence supporting the Zoning Board's decision, we find that its factual findings were not against the manifest weight of the evidence.

[*P50] IV. Zoning Board's Motion to Strike Plaintiffs' Reply Brief

[*P51] The Zoning Board argues that the LeComptes' argument regarding the Illinois Open [***24] Meetings Act (5 ILCS 120/1 et seq. (West 2008)) in their reply brief should be stricken because it was not made in the administrative proceedings, in the circuit court or in its initial appellate brief. The LeComptes argue in their reply brief that the Zoning Board violated the Act when it (1) failed to vote in open meeting to have a closed session and identify the exception that allowed the closed session (5 ILCS 120/2(c)(4) (West 2008)), and (2) failed to indicate the results of the vote in the minutes (5 ILCS 120/2a (West 2008)). We find that this argument was not raised before the Zoning Board or in the complaint for administrative review; therefore, it is forfeited. *Western & Southern Life Insurance Co. v. Edmonson*, 397 Ill. App. 3d 146, 154, 922 N.E.2d 1133, 337 Ill. Dec. 556 (2009); *People ex rel. Hopf v. Barger*,

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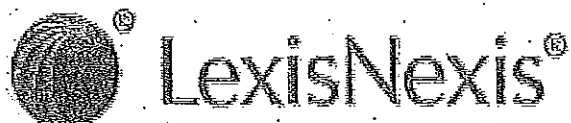
30 Ill. App. 3d 525, 539-40, 332 N.E.2d 649 (1975) (citing *Shaw v. Lorenz*, 42 Ill. 2d 246, 248, 246 N.E.2d 285 (1969)). Therefore, we see no need to address that issue.

[*P52] CONCLUSION

[*P53] We find (1) that the use of the land at Oakwood Farm for the commercial boarding of horses is not agriculture as defined in section 5-2-1 of the Zoning Code (Village of Barrington Hills Zoning Ordinance § 5-2-1 (added Dec. 18, 1972)), and (2) that since the [***25] commercial boarding [**1075] of horses is not

agriculture under section 5-5-2(A) of the Zoning Code, it is not a permitted use in an R-1 zoned district in the Village of Barrington Hills. Village of Barrington Hills Zoning Ordinance § 5-5-2(A) (June 27, 2006). After reviewing the record, we do not have a definite and firm conviction that the Zoning Board made a mistake. Accordingly, we hold that the Zoning Board's decision was not clearly erroneous, and the judgment of the circuit court is affirmed.

[*P54] Affirmed.



JAMES J. DRURY, III, as Agent of the Peggy D. Drury Declaration of Trust U/A/D 02/04/00; and MICHAEL J. MCLAUGHLIN, Plaintiffs-Appellants, v. BENJAMIN B. LECOMPTE, CATHLEEN B. LECOMPTE, and NORTH STAR TRUST CO., as Successor Trustee of Harris Bank Barrington N.A., as Trustee Under Trust Number 11-5176, Defendants-Appellees.

No. 1-12-1894

APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, SIXTH DIVISION

2014 IL App (1st) 121894-U; 2014 Ill. App. Unpub. LEXIS 612

March 28, 2014, Decided

NOTICE: THIS ORDER WAS FILED UNDER SUPREME COURT RULE 23 AND MAY NOT BE CITED AS PRECEDENT BY ANY PARTY EXCEPT IN THE LIMITED CIRCUMSTANCES ALLOWED UNDER RULE 23(e)(1).

SUBSEQUENT HISTORY: Appeal denied by *Drury v. LeCompte*, 2014 Ill. LEXIS 1036 (Ill., Sept. 24, 2014).

PRIOR HISTORY: [**1]

Appeal from the Circuit Court of Cook County, No. 11 CH 03852. The Honorable Franklin U. Valderrama, Judge Presiding.

LeCompte v. Zoning Bd. of Appeals for Barrington Hills, 2011 IL App (1st) 100423, 958 N.E.2d 1065, 2011 Ill. App. LEXIS 1014, 354 Ill. Dec. 869 (2011).

DISPOSITION: Reversed and remanded.

JUDGES: JUSTICE LAMPKIN delivered the judgment of the court. Presiding Justice Gordon and Justice Reyes concurred in the judgment.

OPINION BY: LAMPKIN

OPINION

ORDER

[*P1] *Held*: The circuit court erred in dismissing plaintiff property owners' amended complaint for injunctive relief against defendants, who were owners of a horse boarding facility, on the basis of failure to exhaust administrative remedies, mootness, and lack of justiciability. Where plaintiffs' amended complaint was pending in the circuit court after a cease and desist order against defendants had been upheld by the municipal zoning board of appeals and confirmed on administrative review by the circuit and appellate courts, but defendants subsequently claimed they were in compliance with the zoning code on a basis defendants had formally waived during the administrative proceedings, plaintiffs were not required to litigate the waived issue before the zoning board of appeals before proceeding in court with their request for injunctive relief.

[*P2] Plaintiff property owners, James Drury, III, as an agent of the Peggy D. Drury [**2] Declaration of Trust U/A/D 02/04/00, and Michael McLaughlin, sought injunctive relief against defendant adjacent property owners Dr. Benjamin LeCompte, Cathleen LeCompte (LeComptes), and North Star Trust Co., as successor trustee of Harris Bank Barrington N.A., as trustee under trust number 11-5176. In their amended complaint, plaintiffs alleged that defendants were operating a

commercial horse boarding operation on their property in violation of the zoning laws of the Village of Barrington Hills (Village) and, despite plaintiffs' repeated requests, the Village refused to shut down the operation by enforcing the cease and desist letter that was issued to defendants, upheld by the Village's Zoning Board of Appeals (Zoning Board), and affirmed on administrative review by both the circuit court and this appellate court.

[*P3] Defendants moved to dismiss the amended complaint for mootness, lack of subject matter jurisdiction, and lack of justiciability. Defendants argued that plaintiffs' injunctive relief action was rendered moot upon the issuance of a letter by a Village code enforcement officer, which stated that defendants' boarding and training of horses appeared to be a home occupation based [*3] on their hours of operation. Defendants also argued that plaintiffs forfeited any judicial remedies by failing to exhaust their administrative remedies and follow through with their appeal before the Zoning Board of the Village code enforcement officer's decision.

[*P4] The circuit court granted defendants' motion to dismiss. On appeal, plaintiffs contend the circuit court erred because their complaint was neither moot nor nonjusticiable. Plaintiffs argue that: (1) any change in defendants' operating hours had no effect on this appellate court's decision that defendants' commercial horse boarding operation did not comply with the Village's zoning code; (2) plaintiffs were not required to exhaust any administrative remedies before the Zoning Board prior to seeking injunctive relief in the circuit court; and (3) the circuit court denied plaintiffs due process by terminating discovery and failing to adjudicate the issue concerning the authenticity and validity of the Village code enforcement officer's letter.

[*P5] For the reasons that follow, we reverse the circuit court's dismissal of plaintiffs' amended complaint and remand this cause for further proceedings.

[*P6] I. BACKGROUND

[*P7] Although the issue before [*4] this court is the dismissal of plaintiffs' 2011 amended complaint seeking injunctive relief, the origins of this litigation go back to 2007, when plaintiffs complained to the Village that the LeComptes were boarding horses on their property for a commercial purpose in violation of the Village's zoning laws. The LeComptes were the

beneficial owners of 130 acres of property in the Village. The property was organized as Oakwood Farm of Barrington Hills, L.L.C. (Oakwood Farm) for the purpose of operating a horse farm. The property consisted of a single-family home where defendants resided, a stable, a riding arena, 60 stalls for horses, and other buildings.

[*P8] In January 2008, the Village's attorney sent a cease and desist letter to the LeComptes. The Village informed them that, pursuant to the Village zoning code, their operation of a commercial horse boarding facility was not one of the permitted uses of their property, which was located in a residential district of the Village zoned R-1. The only permitted uses within an R-1 zoning district were (1) single-family detached dwellings; (2) agricultural; (3) signs as regulated by the zoning code; and (4) accessory uses, which included home [*5] occupations. The LeComptes appealed this determination to the Zoning Board.

[*P9] At the August 2008 hearing sessions before the Zoning Board, the LeComptes admitted that they were using their property for the commercial boarding of horses. They argued, however, that this use was a permitted agricultural use of the property pursuant to the Village zoning code and, thus, the Zoning Board had no authority to regulate this use of the LeComptes' property. Dr. LeCompte acknowledged that the zoning code allowed horse boarding as a home occupation, but he emphasized that the LeComptes were not claiming that their use was a permitted accessory use incidental to the principal use by virtue of the home occupancy provisions, and he "would never even come to the [the Zoning] Board and say I'm a home occupation."

[*P10] The Village argued that the commercial boarding of horses was not a permitted use in an R-1 zoned district. The Village contended that, according to the definition of "agriculture" in the zoning code, the breeding and raising of horses was a permitted use in an R-1 zoned district but the distinct use of horse boarding was not a permitted use. The Village also argued that the drafters of the zoning [*6] code intended for the permitted uses in an R-1 zoned district to be compatible with each other and Oakwood Farm's commercial boarding facility was not compatible with the other single family residences in the R-1 zoned district. When the chairman of the Zoning Board asked if home occupation use applied to this matter, the Village responded that the home occupation definition allowed people to board

horses in a residential area. The provision allowing horse boarding as a permitted home occupation use was intended to enable people who had a four or five stall barn to board a couple of horses for neighbors or friends. However, given the zoning code's proscriptions against excessive traffic, noise, and disruptions to the tranquility of the residential area, the operation of a 60 to 70 stall horse boarding facility could not even be contemplated as a permitted home occupation use.

[*P11] Zoning Board member Byron Johnson commented on the record that, although the boarding of horses in the Village had been illegal, the Village knew that horse boarding was occurring on some scale. When the Village amended section 5-3-4(D) of the zoning code concerning home occupations to allow horse boarding and [*7] training pursuant to subsection 5-3-4(D)(3)(g), the Village did not want to allow large-scale horse boarding operations. Accordingly, the Village added an intent and purpose preamble to section 5-3-4(D) to clarify that the conduct of any home occupation, including horse boarding and training, must not infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes or change the character of the residential area. Consequently, when subsection 5-3-4(D)(3)(g) was added to the home occupation section, it permitted horse boarding and training subject to compliance with the various conditions set forth in section 5-3-4(D) of the zoning code.

[*P12] In November 2008, the Zoning Board concluded that the LeComptes were operating a commercial boarding facility impermissibly in an R-1 residential district and that the commercial boarding of horses was not a permitted agricultural use of the property. The Zoning Board denied the LeComptes' petition to overturn the Village's cease and desist order.

[*P13] The LeComptes then filed a complaint for administrative review in the circuit court. The circuit court confirmed the Zoning Board's decision in January 2010, and the LeComptes [*8] appealed to this court.

[*P14] While that appeal was pending, plaintiffs Drury and McLaughlin sent a letter to the Village in December 2010, asking the Village to take the necessary action against the LeComptes to enforce the January 2008 cease and desist letter. The Village responded that no further action would be instituted while the LeComptes' appeal to this appellate court was pending.

[*P15] In January 2011, plaintiffs filed in the circuit court a complaint against defendants seeking injunctive relief pursuant to *section 11-13-15* of the Illinois Municipal Code (65 ILCS 5/11-13-15 (West 2010)). In response, defendants filed multiple motions to dismiss the complaint.

[*P16] Meanwhile, in a February 2011 letter to the Village attorney, defendants asked the Village to concur in writing defendants' compliance with the zoning code. Defendants argued that subsection 5-3-4(D)(3)(g) of the code allowed unlimited horse boarding in their R-1 residential district as a home occupation as long as they complied with the operating hours of 8 a.m. through 8 p.m. Defendants asserted that, in addition to their exemption from Village regulations as an agricultural use, their new operating hours complied with subsection [*9] 5-3-4(D)(3)(g) and, thus, meant that they were in compliance with the code. In a response letter, the Village attorney stated that "[i]t is and has been the Village's position that Oakwood Farms does not comply with the requirements of the home occupation provisions of the Village's zoning code." The Village attorney noted that defendants consistently took the position that their horse boarding activities did not constitute a home occupation in sworn testimony before the Zoning Board, in statements to the circuit court on administrative review, and in their brief to this appellate court. Defendants did not file any appeal to the Village attorney's letter.

[*P17] On June 9, 2011, the circuit court dismissed plaintiffs' complaint, without prejudice, as moot. The circuit court ruled that a March 2011 letter from a Village officer to defendants stating that their land use was a home occupation resolved any issues brought in plaintiffs' complaint for injunctive relief.

[*P18] Meanwhile, on June 30, 2011, this court, upon administrative review of the LeComptes' appeal of the Zoning Board cease and desist order, confirmed the Zoning Board's decision in an unpublished order. The unpublished order was subsequently [*10] published as an opinion in September 2011. This court construed the Village's zoning code and ruled, in pertinent part, that the commercial boarding of horses was not an agricultural use as defined in the Village's zoning code. *LeCompte v. Zoning Board of Appeals for the Village of Barrington Hills*, 2011 IL App (1st) 100423, ¶¶ 24-32, 958 N.E.2d 1065, 354 Ill. Dec. 869.

[*P19] This court also rejected the LeComptes' argument that their use of their stables for the commercial boarding of horses comported with the Village's zoning code. *Id.* at ¶ 34. Specifically, this court construed the zoning code definitions of "stable" and "accessory building," and noted that the LeComptes' use of their stable was a primary use and not a subordinate use. *Id.*

[*P20] In addition, this court rejected the LeComptes' argument that the Village intended for residents to commercially board horses. *Id.* at ¶¶ 36-37. In reaching this determination, this court considered the entire zoning code and found that several sections established that the code did not intend for the commercial boarding of horses to be a permitted primary use in an R-1 zoned district. *Id.* at ¶ 37. Specifically, section 5-1-2 of the zoning code explained that the code intended to, *inter* [*11] *alia*, promote and protect the convenience and general welfare of the people and prevent congestion and overcrowding of residential areas from the harmful encroachment of incompatible and inappropriate uses. *Id.* (citing Village of Barrington Hills Zoning Ordinance § 5-1-2 (April 1, 1963)).

[*P21] Furthermore, "subsection 5-3-4(D) entitled 'Home Occupation,' explain[ed] that the residential tranquility of the neighborhood must remain paramount when a business is conducted from the principal building." *Id.* at ¶ 38 (quoting Village of Barrington Hills Zoning Ordinance § 5-3-4(D) (June 26, 2006)). The zoning code defined "home occupation" in pertinent part as "any lawful business, *** occupation *** conducted from a principal building or an accessory building in a residential district that *** [i]s incidental and secondary to the principal use of such dwelling unit for residential occupancy purposes." *Id.* (quoting Village of Barrington Hills Zoning Ordinance § 5-3-4(D)(2)). Moreover, a home occupation had to be conducted in a manner that was peaceful, quiet and domestically tranquil; guaranteed freedom from the possible effects of business or commercial uses; and did not generate significantly [*12] greater vehicular or pedestrian traffic than would be typical of residences in the neighborhood. *Id.* (citing Village of Barrington Hills Zoning Ordinance § 5-3-4(D)(3)(c)).

[*P22] This court found that, although the zoning code allowed the boarding and training of horses as a home occupation, it had to be done in a manner that maintained the peace, quite and domestic tranquility of

all residential neighborhoods in an R-1 zoned district. *Id.* at ¶ 39 (citing Village of Barrington Hills Zoning Ordinance § 5-3-4(D)(3)(g)). This court concluded that the LeComptes' commercial boarding of horses did not comport with the overall intent of the zoning code where the record established that Oakwood Farm's primary purpose was the commercial boarding of horses, which was a use that was not incidental and secondary to residential occupancy, and Oakwood Farm's commercial boarding caused a significant increase in traffic and noise in the neighborhood and resulted in complaints by the surrounding property owners. *Id.* In a petition for rehearing, the LeComptes asked this court, *inter alia*, [*13] to strike the discussion of the boarding and training of horses as a home occupation, but this court denied that petition.

[*P23] Although plaintiffs' initial complaint for injunctive relief had been dismissed, without prejudice, as moot in June 2011, plaintiffs, with leave of court, filed in July 2011 the amended complaint at issue here. Plaintiffs sought injunctive relief pursuant to *section 11-13-15* of the Illinois Municipal Code. Plaintiffs alleged that defendants were operating a commercial horse boarding operation on their property in violation of the zoning laws of the Village and, despite plaintiffs' repeated requests, the Village refused to shut down the operation by enforcing the cease and desist letter that was issued to defendants, upheld by the Zoning Board, and confirmed on administrative review by both the circuit court and this appellate court.

[*P24] In November 2011, defendants moved to dismiss the amended complaint for mootness, lack of subject matter jurisdiction, and lack of justiciability pursuant to *section 2-619(a)(1)* of the Code of Civil Procedure (Code) (*735 ILCS 5/2-619(a)(1)* (West 2010)). Defendants argued that plaintiffs' injunctive relief action was rendered moot upon [*14] the issuance of a letter, dated March 15, 2011, to defendants from Don Schuman, the Village building and code enforcement officer (the Schuman letter). In this letter, Schuman noted defendants' request that the Village consider their use of Oakwood Farm for the boarding and training of horses as a home occupation. Schuman referenced defendants' submission of (1) an affidavit, which averred that they had limited their hours of operation to 8 a.m. through 8 p.m. and asserted that this change meant that they were now conducting their boarding and training of horses as a home occupation use in compliance with subsection

5-3-4(D)(3)(g) of the Village's zoning code; and (2) an employee register, which listed the extent of their employees' work hours. Schuman stated that "it appears that the use of Oakwood Farm is a Home Occupation." Moreover, in a letter dated March 29, 2011, the Village attorney advised plaintiffs and defendants that the Schuman letter represented a final and official decision of that officer.

[*P25] Defendants also argued that plaintiffs forfeited any judicial remedies by failing to exhaust their administrative remedies and follow through with their appeal of the Schuman letter [*15] before the Zoning Board. Specifically, defendants recounted that: (1) plaintiffs had appealed the Schuman letter to the Zoning Board in April 2011 but then, in June 2011, informed the circuit court that they would withdraw their Zoning Board appeal; (2) the circuit court, nevertheless, dismissed without prejudice plaintiffs' complaint for injunctive relief, finding that, as a result of the Schuman letter, there was no justiciable controversy and the matter was moot; (3) counsel for plaintiffs argued to the Zoning Board in a letter that the doctrines of collateral estoppel and judicial estoppel precluded the Zoning Board from considering plaintiffs' appeal of the Schuman letter because the Zoning Board was legally bound by this appellate court's decision in *LeCompte*, 2011 IL App (1st) 100423, 958 N.E.2d 1065, 354 Ill. Dec. 869, which had resolved the same matter at issue in plaintiffs' appeal of the Schuman letter; and (4) the Zoning Board ultimately dismissed plaintiffs' appeal of the Schuman letter for want of prosecution in August 2011. Defendants argued that plaintiffs' April 2011 appeal to the Zoning Board effectively divested the circuit court of subject matter jurisdiction. According to defendants, the sole issue [*16] adjudicated in the *LeComptes*' prior hearing before the Zoning Board was the question of whether their boarding of horses was an agricultural use of the land; the issue of the separate and distinct use of their land as a home occupation was never presented in the administrative proceeding and, thus, should not have been addressed on administrative review by this appellate court. Defendants argued that the Schuman letter rendered plaintiffs' amended complaint moot and plaintiffs forfeited any judicial remedies by failing to pursue their Zoning Board appeal of the Schuman letter, which was dismissed for want of prosecution.

[*P26] Plaintiffs responded to the motion to dismiss, arguing (1) defendants' position that Oakwood Farm was

a home occupation was irreconcilable with and refuted by this appellate court's September 2011 opinion; (2) the Schuman letter was irrelevant by virtue of this court's September 2011 opinion and did not render this case moot because the circuit court had statutory jurisdiction to grant plaintiffs injunctive relief where the Village failed to enforce its own zoning laws; and (3), in the alternative, the motion to dismiss must be denied because the amended complaint presented [*17] genuine issues of disputed fact as to whether Oakwood Farm complied with the zoning code.

[*P27] In their reply, defendants argued that (1) this appellate court never considered the issue of whether the *LeComptes*' current use of their property complied with the home occupation provisions of the zoning code; (2) the Schuman letter divested the circuit court of jurisdiction over plaintiffs' claim for injunctive relief, administrative review law applied to this case, and *section 11-13-15* of the Illinois Municipal Code did not create concurrent jurisdiction; and (3) the proper venue for the resolution of any factual disputes was the Zoning Board.

[*P28] On December 19, 2011, the circuit court granted defendants' motion and dismissed plaintiffs' amended complaint with prejudice for want of justiciability.

[*P29] Plaintiffs filed a motion to reconsider, arguing that jurisdiction existed in the court because *section 11-13-15* of the Illinois Municipal Code provided a cause of action for adjacent landowners to bring a suit for an alleged zoning ordinance violation. Plaintiffs also argued the circuit court failed to consider the authenticity of the Schuman letter and new evidence suggested defendants schemed with Village [*18] representatives to obtain dismissal of the injunctive relief action. Further, plaintiffs argued the circuit court erroneously concluded that the home occupation provisions of the zoning code were not an issue before the Zoning Board and circuit and appellate courts.

[*P30] On May 31, 2012, the circuit court denied plaintiffs' motion to reconsider. The circuit court found that (1) *section 11-13-15* of the Illinois Municipal Code did not provide a basis for the court to exercise jurisdiction over this matter involving zoning code violations; (2) plaintiffs were required, but failed, to exhaust their administrative remedies prior to filing their lawsuit in this case; (3) the Schuman letter was

admissible under the rules of evidence without need of further authentication; (4) although the appellate court discussed the home occupation provisions of the zoning code, it only ruled on the issue of whether the LeComptes' use was agricultural; and (5) plaintiffs' newly discovered evidence was not relevant to the jurisdiction issue before the court.

[*P31] Plaintiffs timely appealed the circuit court's December 2011 and May 2012 orders.

[*P32] II. ANALYSIS

[*P33] A motion to dismiss pursuant to *section 2-619* of the Code admits [*19] the legal sufficiency of the pleading and raises defects, defenses, or other affirmative matters that act to defeat the claim. *Keating v. 68th and Paxton, L.L.C.*, 401 Ill. App. 3d 456, 463, 936 N.E.2d 1050, 344 Ill. Dec. 293 (2010). When ruling on a 2-619 motion to dismiss, the issue is whether, after reviewing the pleadings, depositions and affidavits, there is a genuine issue of material fact that precludes dismissal, or whether dismissal is proper as a matter of law. *Id.*

[*P34] A. Scope of 2011 Appellate Opinion

[*P35] In supporting its decision to dismiss plaintiffs' amended complaint, the circuit court stated that, although this court discussed the home occupation provisions of the zoning code, this court's September 2011 opinion ruled only on the issue of whether the LeComptes' use was agricultural. Defendants adopt this position and contend our 2011 opinion in the prior case did not affect or control the instant case because the prior case was between the LeComptes and the Village on an unrelated zoning issue with a different factual scenario. Defendants argue that the home occupation discussion in our 2011 opinion was *obiter dictum* and does not control the instant appeal or prevent the Village from recognizing that defendants [*20] could change their operating hours and conditions to bring the farm into compliance with the Village home occupation provisions of the zoning code. Defendants contend this court's home occupancy discussion was neither germane nor necessary to our 2011 opinion, which was limited to the issue of whether boarding horses was an agricultural use under the code. Defendants assert that the issue of their compliance with the home occupation provisions of the code was never presented by the parties or briefed as an issue in the proceedings reviewed by this appellate court.

[*P36] We disagree. When administrative hearings were held on the LeComptes' appeal of the Village's 2008 cease and desist letter, the LeComptes formally waived the home occupation provisions of the zoning code as a basis for finding that their commercial boarding of horses was a permitted use of their property in their residential area. Nevertheless, the Village, in addition to countering the LeComptes' argument that horse boarding was a permitted agricultural use of their property, also explained to the Zoning Board that Oakwood Farm's large scale commercial horse boarding operation did not comply with the code provisions that [*21] permitted horse boarding in residential zones as a home occupation. Furthermore, witnesses testified at the administrative hearings about the disruption to the residential neighborhood's peace and tranquility as a result of the LeComptes' horse boarding operation.

[*P37] After the LeComptes lost before the Zoning Board and sought administrative review before the courts, the Village, in addition to countering the LeComptes' argument concerning permitted agricultural uses, also argued to this court that the LeComptes' commercial boarding of horses did not qualify as a home occupation where the relevant code provisions permitted boarding and training of horses as a home occupation incidental to a permitted primary use of a property and the LeComptes had admitted that the primary use of the Oakwood Farm facility was horse boarding. See *Kravis v. Smith Marine, Inc.*, 60 Ill. 2d 141, 147, 324 N.E.2d 417 (1975) (an appellee may defend a judgment by raising a previously unruled-upon issue if the necessary factual basis for determining the issue is in the record); accord *Kuney v. Zoning Board of Appeals of City of De Kalb*, 162 Ill. App. 3d 854, 856, 516 N.E.2d 850, 114 Ill. Dec. 695 (1987).

[*P38] Moreover, the LeComptes argued to this court that their use [*22] of their stables for commercial horse boarding comported with the Village's code and the Village intended for residents to commercially board horses. In refuting those claims, this court viewed the zoning code in its entirety, even discussed subsection 5-3-4(D)(3)(g) of the zoning code—the same section defendants now claim compliance with in this appeal—and concluded that the LeComptes' use did not comply with several provisions concerning home occupations in subsection 5-3-4(D). Specifically, this court concluded that Oakwood Farm's primary purpose was the commercial boarding of horses, which was a use that was not incidental and secondary to residential occupancy,

and their commercial horse boarding operation could not be done in a manner that maintained the peace, quiet and domestic tranquility within their R-1 zoned residential district. *LeCompte*, 2011 IL App (1st) 100423, ¶¶ 34-39. In addition, when the LeComptes filed a petition for rehearing asking this court to strike our discussion of their failure to comply with the home occupancy provisions of the code, this court denied the petition, rejecting their argument that the issue was not raised in the appeal.

[*P39] Accordingly, the circuit [**23] court erroneously concluded that this court's 2011 opinion only ruled on the issue of whether the LeComptes' use was agricultural. A careful reading of the opinion establishes that this court not only rejected the LeComptes' argument that their horse boarding operation was a permitted agricultural use, but also accepted the Village's argument that the LeComptes' use was not in compliance with the necessary code requirements concerning home occupations as a permitted accessory use. The issue of the LeComptes' noncompliance with the home occupancy provisions of the code was integral to this court's ruling and a mere change in operating hours had no effect on that ruling because it did nothing to address this court's conclusions that (1) the stable was not an accessory building that was subordinate to a principal building, and (2) commercial horse boarding was inconsistent with the overall intent of the zoning code.

[*P40] The facts established that defendants' 30,000 square-foot horse barn contained 45 or more horses whose owners paid monthly rent to defendants. Moreover, the attendant horse trailers, manure trucks, and customer parking lot and vehicles dominated the property and dwarfed defendants' [**24] home. Defendants' inconsequential change in the operating hours of their business had no effect on this court's holding that the horse barn was not an accessory building and its primary use was commercial horse boarding in violation of the zoning code.

[*P41] This court's discussion of the home occupancy provision was not mere *obiter dictum* because even though Oakwood Farm was not a permitted agricultural use, it could have been a legal use if it complied with some other section of the Village's zoning code, like the home occupation section. This court, however, held that Oakwood Farm was not a permitted use because it did not comport with the Village's zoning

code's overall intent and purpose. Central to this court's opinion was the determination that, in order to comply with the zoning code, Oakwood Farm's stables had to be a subordinate, not a primary, use of the property. Because defendants were using the stable for the commercial boarding of horses, which was a primary use and not a subordinate use, it was a use that did not comport with the Village's zoning code. Defendants' alleged compliance with one subsection of the home occupancy provisions concerning the permissible operating hours [**25] for home occupation horse boarding cannot be reconciled with this court's ruling.

[*P42] B. Exhaustion of Administrative Remedies

[*P43] Defendants argue the circuit court correctly dismissed plaintiffs' amended complaint for injunctive relief based on mootness and lack of justiciability because plaintiffs failed to exhaust their administrative remedies. Defendants conceded at oral argument before this court that the circuit court had jurisdiction over plaintiffs' injunctive relief complaint when it was filed. Nevertheless, defendants contend that the issuance of the Schuman letter divested the circuit court of that jurisdiction and required plaintiffs to seek administrative relief by appealing the Schuman letter to the Zoning Board. According to defendants, where the plaintiffs had initiated an appeal of the Schuman letter before the Zoning Board but then abandoned it, they failed to exhaust their administrative remedies and dismissal of their injunctive relief lawsuit was proper.

[*P44] Plaintiffs respond that they were not seeking to appeal an administrative decision; instead they filed a lawsuit under *section 11-13-15* of the Illinois Municipal Code to enjoin defendants' ongoing violation of the Village [**26] zoning code, as determined by the Zoning Board, circuit court, and this court. Plaintiffs argue the circuit court had independent jurisdiction to hear plaintiffs' injunctive relief case under *section 11-13-15* of the Illinois Municipal Code, which empowers adjacent landowners to bring a legal proceeding to enforce laws when the municipality fails or is reluctant to act or acts in a manner contrary to the adjacent landowners' interests. See *Dunlap v. Village of Schaumburg*, 394 Ill. App. 3d 629, 638, 915 N.E.2d 890, 333 Ill. Dec. 819 (2009); *LaSalle National Bank v. Harris Trust & Savings Bank*, 220 Ill. App. 3d 926, 932, 581 N.E.2d 363, 163 Ill. Dec. 412 (1991).

[*P45] Plaintiffs assert that defendants' ongoing

zoning code violation was not a moot issue, and the disputed Schuman letter did not moot the case, divest the circuit court of jurisdiction, or require exhaustion of administrative remedies. Plaintiffs note that it was only after they sought injunctive relief in the courts that defendants solicited the disputed Schuman letter and asserted that plaintiffs must re-litigate the already ruled upon home occupancy issue, which defendants had previously waived at the 2008 Zoning Board hearings. Plaintiffs argue they properly sought court relief pursuant to *section 11-13-15*, [**27] which expressly states that "the court with jurisdiction *** has the power" to resolve complaints under *section 11-13-15*, and nothing in *section 11-13-15* places the resolution of lawsuits to enjoin zoning code violations within the exclusive jurisdiction of administrative agencies. Plaintiffs contend that *section 11-13-15* is its own remedy, makes no mention of exhausting administrative remedies, and cases applying *section 11-13-15* show that it provides a remedy to adjacent landowners outside of the administrative review process. Moreover, plaintiffs assert that the Schuman letter plainly shows the Village has failed to act where there was a clear violation of its own zoning code, as determined by this appellate court in 2011.

[*P46] Plaintiffs also explain that their appeal of the Schuman letter to the Zoning Board was a defensive action, filed out of an abundance of caution. Plaintiffs state that they continued to prosecute the instant lawsuit and challenged the jurisdiction of the Zoning Board, arguing that the doctrines of collateral estoppel and judicial estoppel precluded the Zoning Board from considering the Schuman letter appeal because the Zoning Board was legally barred by this court's [**28] 2011 opinion, which had resolved the same home occupancy matter at issue in the Schuman letter.

[*P47] Because these arguments present only issues of law, our review is *de novo*. See *In re A.H.*, 207 Ill. 2d 590, 593, 802 N.E.2d 215, 280 Ill. Dec. 290 (2003). For the reasons discussed below, we conclude that plaintiffs' choice of remedy was not incorrect and their complaint should not have been dismissed because, under the circumstances of this case, the exhaustion of administrative remedies was not necessary.

[*P48] A justiciable matter is a controversy appropriate for review by the court, in that it is definite and concrete, as opposed to hypothetical or moot. *Owens v. Snyder*, 349 Ill. App. 3d 35, 40, 811 N.E.2d 738, 285

Ill. Dec. 251 (2004). "A moot question is one that existed but because of the happening of certain events has ceased to exist and no longer presents an actual controversy over the interests or rights of the party." *In re Nancy A.*, 344 Ill. App. 3d 540, 548, 801 N.E.2d 565, 279 Ill. Dec. 891 (2003). We agree with plaintiffs that the Schuman letter did not render their injunctive relief claim moot or nonjusticiable where this court ruled in 2011 that defendants' Oakwood Farm was in violation of the zoning code, defendants were still operating their commercial horse boarding facility impermissibly [**29] in an R-1 residential district, and the relief provided in *section 11-13-15* of the Illinois Municipal Code was an available remedy to plaintiffs. This is not a situation where an injunctive relief action was rendered moot because a zoning board had re-zoned the property; all that changed here was defendants' hours of operation at their commercial horse boarding facility.

[*P49] The statutory relief extended to citizens under *section 11-13-15* of the Illinois Municipal Code provides enforcement authority where municipal officials are slow or reluctant to act, or are otherwise not protective of the private citizen's interests. *Dunlap*, 394 Ill. App. 3d 638. However, if there is an ordinance violation, the usual remedy would be to object before the zoning board of appeal. "[A] party aggrieved by administrative action ordinarily cannot seek review in the courts without first pursuing all administrative remedies available to him." *Illinois Bell Telephone Co. v. Allphin*, 60 Ill. 2d 350, 358, 326 N.E.2d 737 (1975). This rule allows full development of the facts before the agency, allows the agency an opportunity to utilize its expertise, and may render judicial review unnecessary if the aggrieved party succeeds before [**30] the agency. *Id.* The exhaustion rule, however, can produce very harsh and inequitable results if strictly applied. *Id.* Consequently, although our courts have required comparatively strict compliance with the exhaustion rule, exceptions have been recognized pursuant to the time-honored rule that equitable relief will be available if the remedy at law is inadequate. *Id.*

[*P50] Illinois courts have recognized several exceptions to the doctrine of exhaustion of administrative remedies. *Castaneda v. Illinois Human Rights Comm'n*, 132 Ill. 2d 304, 308, 547 N.E.2d 437, 138 Ill. Dec. 270 (1989). An aggrieved party may seek judicial review of an administrative decision without complying with the exhaustion of remedies doctrine where the administrative

body's assertion of jurisdiction is attacked on its face and in its entirety on the ground that it is not authorized by statute. *One Way Liquors, Inc. v. Byrne*, 105 Ill. App. 3d 856, 861, 435 N.E.2d 144, 61 Ill. Dec. 655 (1982). A party may also seek judicial review where issues of fact are not presented and agency expertise is not involved. *Canel v. Topinka*, 212 Ill. 2d 311, 321, 818 N.E.2d 311, 288 Ill. Dec. 623 (2004). In addition, where multiple remedies exist before the same administrative agency and at least one has been exhausted, the exhaustion of [**31] remedies rule is not required. *Allphin*, 60 Ill. 2d at 358; *Kuney*, 162 Ill. App. 3d at 857; *Pecora v. County of Cook*, 323 Ill. App. 3d 917, 927-28, 752 N.E.2d 532, 256 Ill. Dec. 652 (2001). Furthermore, exhaustion is not required if the administrative remedy is inadequate or futile or in instances where the litigant will be subjected to irreparable injury due to lengthy administrative procedures that fail to provide interim relief. *Castaneda*, 132 Ill. 2d at 309.

[*P51] Under the circumstances of this case, we hold that exhaustion was unnecessary. Whether the Schuman letter's determination was correct is not the controlling question in the present posture of the case. Nor are we overly concerned with defendants' assertion that they have not yet argued before the Zoning Board that they need only comply with the operating hour requirements specified in subsection 5-3-4(D)(3)(g) for horse boarding home occupations, which predicament is self-induced by their decision to formally waive the home occupation issue during the 2008 administrative proceedings. The problem before us is the procedural snarl brought about by defendants' course of conduct after the plaintiffs properly availed themselves of the relief provided by section 11-13-15 [**32] of the Illinois Municipal Code. Defendants minimize their waiver of the home occupancy issue at the 2008 Zoning Board hearings and magnify the plaintiffs' refusal to proceed, on jurisdiction grounds, with their appeal of the Schuman letter before the Zoning Board.

[*P52] Administrative proceedings had already been held on the Village's cease and desist order against defendants, and plaintiffs had already begun proceedings under section 11-13-15 before defendants revived the home occupancy issue they had previously and explicitly waived at the administrative hearings. It was only after plaintiffs filed this lawsuit for injunctive relief that defendants solicited the Schuman letter from Village officials. As discussed above, the home occupation issue

was part of the Village's argument before the Zoning Board and this court, and no useful purpose would be served by requiring plaintiffs to institute another round of administrative hearings based on subsection 5-3-4(D)(3)(g) of the zoning code. Defendants' latest nuance of the home occupation issue, which is based on the operating hours discussed in subsection 5-3-4(D)(3)(g), is subsumed or rendered irrelevant by this court's 2011 opinion, which [**33] confirmed the cease and desist order and concluded that defendants' commercial horse boarding operation did not qualify as a permitted use under all the relevant provisions of the zoning code, including the permissible use of horse boarding as a home occupation.

[*P53] It would be a strained application of the exhaustion doctrine to force plaintiffs to litigate before the Zoning Board essentially the same home occupation use issue that was formally waived by defendants during the 2008 administrative hearings but refuted anyway by the Village both at the administrative hearing sessions and again on administrative review before this appellate court. It is not reasonable to assume that the Zoning Board would reverse itself and now conclude that defendants' commercial horse boarding operation was a permissible home occupation use in a residential zone, which would be contrary to the Village's positions before the Zoning Board in the 2008 hearing sessions and in the Village's brief on appeal to this court. To insist on the additional useless step of litigating before the Zoning Board the waived and irrelevant issue of home occupancy, which irrelevancy was confirmed in this court's 2011 opinion, [**34] would merely give lip service to a technicality and thereby increase costs and delay the administration of justice, which is the very thing the exhaustion of remedies rule tries to avoid. *Herman v. Village of Hillside*, 15 Ill. 2d 396, 408, 155 N.E.2d 47 (1958).

[*P54] While plaintiffs could have abandoned their lawsuit for injunctive relief and pursued their appeal of the Schuman letter before the Zoning Board, their not doing so, under the circumstances of this case, is not interdictive of the remedy they chose. Plaintiffs chose a remedy most beneficial to them, just as defendants, in proceeding under their revised home occupation argument, chose the course they thought most beneficial to them. The remedy chosen by plaintiffs was appropriate to the predicament confronting them. They were attempting to prohibit a zoning violation which was

declared by the Village, upheld by the Zoning Board, and confirmed by the circuit and appellate courts. Plaintiffs were an aggrieved party and their predicament was exacerbated by defendants acting to derail plaintiffs' properly filed lawsuit by raising before the Village anew the home occupation issue they had formally waived in 2008. Under the circumstances of this case, [*35] plaintiffs' choice of remedy was not incorrect and their complaint should not have been dismissed. This court's 2011 opinion remains in force and defendants cannot evade the effect of that ruling by using their subsequent solicitation of the Schuman letter as a fait accompli-shield to justify their noncompliance with the zoning code or to deprive plaintiffs of relief.

[*P55] Therefore, we find that plaintiffs' injunctive relief complaint was properly before the circuit court,

exhaustion of further administrative remedies was not necessary under the circumstances of this case, and plaintiffs' complaint was erroneously dismissed as moot and nonjusticiable by the circuit court.

[*P56] III. CONCLUSION

[*P57] Under the foregoing circumstances, plaintiffs were not required to exhaust any administrative remedies before proceeding with their injunctive relief action in the circuit court. The judgment of the circuit court dismissing plaintiffs' amended complaint for injunctive relief is reversed and the cause is remanded for further proceedings before the circuit court.

[*P58] Reversed and remanded.

Comparisons of Village Horse Boarding Codes

Is horse boarding considered to be a "Home Occupation" in your village?

Bull Valley	No
Homer Glen	No
Mettawa	No
Wadsworth	No
Wayne	No
Barrington Hills Horse Boarding Amendment	Yes

What permission is required if a resident wishes to board horses in your village?

Bull Valley	Special Use Permit plus \$1,000 annual fee
Homer Glen	None
Mettawa	Special Use Permit
Wadsworth	Conditional Use Permit
Wayne	None
Barrington Hills Horse Boarding Amendment	None

Are there limitations to barn/stable size beyond the total Floor Area Ratio (FAR) of all combined property structures before a Special Use Permit is required?

Bull Valley	No
Homer Glen	Yes
Mettawa	Yes
Wadsworth	Yes
Wayne	Yes
Barrington Hills Horse Boarding Amendment	No

Does your village limit the number of horses kept on a residential property?

Bull Valley	"A reasonable number for family enjoyment"
Homer Glen	Yes, and no more than 3 boarded horses
Mettawa	Yes
Wadsworth	Yes
Wayne	Yes
Barrington Hills Horse Boarding Amendment	No

Use of the words "board" and "boarding" refer to the housing, feeding and caring for horses not owned by the property owner.

BURKE, WARREN, MacKAY & SERRITELLA, P.C.

MEMORANDUM

TO: Village of Barrington Hills

FROM: Burke, Warren, MacKay & Serritella, P.C.

RE: Comparison of Agricultural/Equestrian Zoning Ordinances

DATE: August 18, 2011

Village of Barrington Hills

OVERVIEW: The Village of Barrington Hills permits agricultural uses in all zoning districts but does not consider horse boarding to be an agricultural use. Horse boarding is only permitted in the context of the Home Occupation Ordinance.

1. Definitions:

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) 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.

Village of Wayne

OVERVIEW: The Village of Wayne's Zoning Ordinance contains a separate Chapter entitled "Equestrian Development and Uses" that deals specifically with commercial and private equestrian uses and facilities and creates a separate zoning district called, "E commercial equestrian". Commercial and private stables can also be special uses in residence districts.

1. Definitions:

Agriculture: The use of twenty (20) acres or more of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities

Village of Mettawa

OVERVIEW: The Village of Mettawa permits small scale boarding in residential districts as an accessory use and larger-scale boarding in residential districts pursuant to a special use permit.

1. Definitions:

Agriculture: All the processes of planting, growing, harvesting or crops in the open excluding the raising and feeding of livestock and poultry, dairy farming, farm buildings, and farm dwellings, and truck gardens, but including, flower gardens, apiaries, aviaries, nurseries, orchard, forestry, non-commercial green houses, and vegetable growing, however, no retail and/or roadside sales shall be permitted.

Stable: A detached accessory building the primary use of which is the keeping of horses

Stable, Private: A building or structure, accessory in nature, which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing not more than one allowable horse or pony per acre, which horses or ponies are primarily for the use of occupants of the dwelling, but in no event for hire.

Private Stable: A stable in which all horses kept on the premises are owned by the owner of the premises or members of his family, stable hands, and/or bona fide guests.

Semiprivate stable: A stable at which the operator provides for a fee, facilities to owners of horses for boarding care or training of ten (10) or more horses, including instruction in horsemanship. A bona fide sale of a horse shall not be considered to be supplying or renting of a horse by the operator to a member of the public.

2. Accessory Building:

No specific requirements for stables.

2. Accessory Buildings:

Private Stables: Stalls must be a minimum of 10' X 12'. On land between 2 and 3 acres in size, a maximum of 1,070 square feet is permitted. Size of stable increases with each additional acre, for example, a 5 acre parcel would permit a 1,745 square foot stable, up to a maximum of 2,800 square feet for any property, unless the property is over 10 acres and the owner obtains a special use permit.

2. Accessory Buildings:

Accessory buildings intended for the stabling of horses shall contain one stall for each horse and such stall must be a minimum of 11.5' X 11.5' and shall not exceed five (5) stalls without a special use permit.

3. Accessory Uses in Residence Districts:

Accessory uses in single-family districts include agricultural buildings and structures and private stables.

3. Accessory Uses in Residence Districts:

Accessory uses in single-family districts include private stables and noncommercial pursuit of agriculture, provided that no more than four (4) horses shall be kept on a 4-acre lot with one (1) additional horse permitted for each additional 4 acres.

3. Accessory Uses in Residence Districts:

Accessory uses in single-family districts include agriculture use and the keeping of horses not to exceed a certain number based on the property's square footage and further provided that the property must contain at least 80,000 square feet.

4. Special Uses:

No special use required for stabling of horses, which is currently only permitted in the context of the Home Occupation Ordinance.

4. Special Uses:

Special uses include commercial equestrian and commercial stables as well as private equestrian facilities, which are permitted in any zoning district. A special use for a commercial stable requires property containing at least twenty 20 acres. A special use for a private stable requires property containing at least 10 acres.

4. Special Uses:

Special Uses include agricultural buildings and structures including riding arenas and large stables for horses on owner-occupied property with no more than one (1) horse stall permitted per 40,000 square feet of land.

5. Commercial Equestrian District (as of right).

A Commercial stable in this District must be on property containing at least twenty (20) acres. If the horses are kept outside, then no more than one (1) horse per acre is permitted. If the horses are kept indoors, then one stall is required for each horse and such stall shall be a minimum of 12' X 12' with a maximum of 45 stalls and the no more than 100 horses is permitted on any property zoned for a commercial stable.

July 20, 2011

President and Board of Trustees
Village of Barrington Hills
112 Algonquin Road
Barrington Hills, IL 60010

RE: Commercial Horse Boarding

Dear President and Trustees:

After many months of discussion of the commercial horse boarding issue in Barrington Hills, we have reached a consensus on a proposed manner of regulating boarding in the Village. We are respectfully requesting that you review and discuss our proposal and if it is acceptable to you, that you refer it back to the Zoning Board of Appeals to conduct a public hearing so that we may make the appropriate recommendation to the Board of Trustees for its adoption. The specific language that we have discussed and are proposing is attached hereto as Exhibit A.

As you are aware, this issue has been under consideration for several years and numerous meetings and discussions have taken place with regard to it. We have had various "white papers" submitted to us by the Equestrian Commission and a number of proposals that have been made by the Legal Committee, the Equestrian Commission and others. We are aware of the situation with Oakwood Farms and the recent holding by the Illinois Appellate Court denying the claim by Oakwood Farms that horse boarding is agriculture and therefore a permitted use.

In 2005, the ZBA recommended and the Board of Trustees approved changes to the Home Occupation Ordinance, which allowed horse boarding as a home occupation. While we considered simply allowing all boarding operations to operate as home occupations, we felt that was not the best approach. Larger boarding operations can have impacts on the surrounding properties. In these circumstances, we are recommending that larger boarding operations should be required to obtain a Special Use Permit. The special use permit requirement would allow the community to have some involvement in whether such operations are appropriate at that particular location and, if so, under what conditions they should operate. As a result, we are suggesting that those facilities that board ten (10) horses or more be regulated as Special Uses. We discussed, at length, requiring stables or barns of a certain size to also obtain a Special Use Permit, but in the end determined that was burdensome and potentially overreaching.

We feel that the attached proposal represents a good balance between preserving and protecting the equestrian nature of the Village while taking into account the concerns of residents who might be impacted by larger boarding facilities.

Very truly yours,

Judith Freeman -- Chairman
Zoning Board of Appeals

cc: Copy to each of the ZBA members

0297610002099447.1

Submitted by: Thomas R. Burney
ZANCK, COEN, WRIGHT & SALADIN, P.C.

EXHIBIT A

5-2-1 DEFINITIONS

ANIMAL HUSBANDRY: The breeding, raising, training and boarding of domestic livestock.

LIVESTOCK: Horses, cattle, sheep, llamas, alpacas, donkeys and other domestic farm animals that create a similarly limited impact on property and adjoining landowners and occupants, but specifically excluding dogs and cats.

5-3-4 (A) Agriculture: The provisions of this title shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for non-commercial agricultural purposes, except with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for any agriculture purposed upon such land.

5-3-4(D)(3)(g) Home Occupation: The breeding, raising, training and boarding of livestock is a permitted home occupation subject to the provisions of subsections 3(a) – 3(f), excluding 3(a)(2), 3(b)2, 3(c)(2) and 3(c)4 of this Section 5-3-4(D); provided that no persons engaged to facilitate such boarding, breeding, raising or training other than the immediate family residing on the premises, shall be permitted to carry out their activities except between the hours of six o'clock a.m. and eight o'clock p.m. or sunset, whichever is later, other than in emergency situations. It is further provided that no person engaged to facilitate such boarding, breeding, raising or training shall operate machinery or vehicles on the premises other than passenger cars or light trucks except between the hours of six o'clock a.m. and eight o'clock p.m. or sunset, whichever is later. The harvesting of crops in connection with the breeding, racing, training and boarding of livestock after sunset is permitted under this Section.

5-3-13 REGULATIONS FOR COMMERCIAL HORSE BOARDING:

- (A) **SPECIAL USE:** Commercial horse boarding is a permitted special use in the R1 District within the Village subject to the provision of Section 5-10-7, provided, however, no special use permit for commercial horse boarding shall be granted unless such commercial horse boarding operation also complies with the provisions of this Section 5-3-13.
- (B) **PURPOSE AND INTERPRETATION:** The purpose of this Section 5-3-13, 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 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 5-3-13, defined terms shall have the meanings ascribed to them in Section 5-2-1 and this Subsection 5-3-13(C).

BOARDING: The keeping and/or sheltering of horses in which the owners or occupants of the property do not have an ownership interest in exchange for money, provided, however, boarding of horses shall not include a livery stable.

COMMERCIAL HORSE BOARDING: The boarding of ten (10) or more horses.

LIMITED-FACILITY BOARDING: The boarding of nine (9) or fewer 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 of the Zoning Code.

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

PRIVATE STABLE: A barn, stable, arena or other facility where horses owned by the owner or occupant of the property are kept.

(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 5-3-13, the Zoning Board of Appeals may limit the number of 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) storm water drainage, (v) vehicular access to the boarding facility, (vi) parking plan, (vii) manure disposal plan, (viii) lighting plan, and (ix) such other factors as the Zoning Board of Appeals may deem appropriate for consideration concerning healthy, safety and welfare of the community and surrounding neighborhood.

(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, existing and proposed means of access, fencing and landscaping/screening.
 - (ii) Such other additional information necessary to a decision by the Zoning Board of Appeals.
- (G) EXCLUSIONS: Nothing in this Section 5-3-13, shall be construed to apply to private stables or to limited-facility boarding facilities.
- 5-9-3(D)(3) Stables: Notwithstanding the foregoing provisions of this Section 5-9-3 (D), any non-conforming barn, stable, arena or other structure used for an equestrian purpose which is destroyed or damaged by fire or other casualty or other acts of God may be restored or rebuilt to the same extent as existed prior to such fire or other casualty, including any such nonconformity.



Robert Kosin <rkosin@barringtonhills-il.gov>

(no subject)

Marty <mclkn6@aol.com>

Mon, Jan 26, 2015 at 5:34 PM

To: mmclaughlin@barringtonhills-il.gov, clerk@barringtonhills-il.gov, Robert Kosin <rkosin@barringtonhills-il.gov>

**VETO MESSAGE FROM THE VILLAGE PRESIDENT
OF THE VILLAGE OF BARRINGTON HILLS**

January 6,
2014

To the Honorable Trustees of the Village of Barrington Hills:

In accordance with Sections 1-5-4 and 1-5-12 of the Village Code and Sections 3.1-45-5 and 3.1-40-45 of the Illinois Municipal Code, I hereby veto Ordinance No. 14-19 entitled "AN ORDINANCE AMENDING TITLE 5, ZONING REGULATIONS SET FORTH IN CHAPTERS 2, 3 AND 5 REGARDING HORSE BOARDING", which was passed by the Village Board of Trustees on December 15, 2014.

My opposition to this Text Amendment is well known, and I believe supported by a majority of the residents of the Village of Barrington Hills as evidenced by testimony and written submission to the Clerk. I join my fellow residents in being suspect about the reasons for the speed at which the majority of the Zoning Board of Appeals and the Board of Trustees determined to adopt the Text Amendment at issue – particularly when this issue had been the subject of lengthy debate in 2011, but never formally addressed. I believe the only change in circumstance which forced the series of special meetings to adopt the Text Amendment was a change in legal circumstances for one property owner in the Village. This is not a good reason to change the Village Code and its effect on all residents of the Village. The fact that the Text Amendment is to serve only one resident is brutally apparent given the retroactive nature of the Text Amendment.

Our Village working with South Barrington just settled 18 years of legal wrangling with Sears litigation which cost our taxpayers over \$1.5 million dollars. Now, the majority of the Zoning Board of Appeals and the Board of Trustees seem interested in only putting the Village right back, squarely in litigation yet again, because I am sure, like me, that you have heard the repeated threats of litigation should the Village Board adopt the Text Amendment. The temporary Village attorney and special counsel has provided a clear opinion as to the jeopardy a change in the law can cause. Yet, the majority of the Board seems not to care.

Lest there be any question, I want to make clear that I am a supporter of the Village's equestrian heritage. I support horse boarding. But, I do not support this text amendment. I believe we should mirror the countless other municipalities in the State of Illinois and allow large scale horse boarding through the grant of a Special Use Permit. Such a process will allow the Village to remain in authority over the operation of these commercial operations to protect the Village and the neighbors of such operations. The Zoning Board of Appeals recognized the value of the Special Use Approval for horse boarding in 2011, but does not now. One should ask, what has changed that we now are forced to allow commercial horse boarding as of right, by amending the definition of agriculture?

I am firmly opposed to this measure. Accordingly, I must return this Ordinance to the Village Board of Trustees with my veto. Pursuant to Sections 1-5-4 and 1-5-12 of the Village Code and Sections 3.1-45-5 and 3.1-40-45 of the Illinois Municipal Code, I hereby return Ordinance No. 14-19 entitled "AN ORDINANCE AMENDING TITLE 5, ZONING REGULATIONS SET FORTH IN CHAPTERS 2, 3 AND 5 REGARDING HORSE BOARDING", to the next regular meeting of the Village Board of Trustees, occurring not less than 5 day after the date of passage, with the foregoing objections, vetoed in its entirety.

Sincerely,

Martin J. McLaughlin,
Village President, Village of Barrington Hills

Dated: _____

Submitted by Thomas R. Burney
ZANCK, COEN, WRIGHT & SALADIN, P.C.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

JAMES J. DRURY III, as agent of the)	
Peggy D. Drury Declaration of Trust U/A/D)	
02/04/00, Jack E. Reich and)	
James T. O'Donnell,)	
Plaintiffs,)	
-v-)	No. 15-CH- 3461
-v-)	
VILLAGE OF BARRINGTON HILLS,)	
an Illinois Municipal Corporation,)	
Defendant.)	

AGREED ORDER OF SETTLEMENT

The Court being advised that the Plaintiffs and the Defendant have agreed to a settlement of this action, the terms of which are incorporated below:

A. The Plaintiffs, and each and every one of them, are the individuals named in the Complaint and particularly described in paragraphs 5 and 9 through 16 of the Complaint for Declaratory Judgment and Injunction.

B. The Defendant, Village of Barrington Hills, is an Illinois municipal corporation organized and existing pursuant to the Illinois Municipal Code 65 ILCS 5/1-1 *et seq.* and as such exercises jurisdiction and control over the property subject to this lawsuit.

C. Plaintiffs brought this action *inter alia* pursuant to the Declaratory Judgment Act, 735 ILCS 5/2-701, wherein Plaintiffs sought a declaration of rights regarding the legal validity of the Commercial Horse Boarding Text Amendment (Ordinance No. 14-19 entitled "*An Ordinance Amending Title 5 Zoning Regulations Set Forth In Chapter 2, 3 and 5 Regarding Horse Boarding.*") "Commercial Horse Boarding Text Amendment" attached as Exhibit A to its Complaint and pursuant to the Injunction statute 735 ILCS 5/11-101, requesting this Honorable Court to permanently enjoin the enforcement of the Commercial Horse Boarding Text Amendment. This action for de novo judicial review was brought pursuant to 65 ILCS 5/11-13-25 within ninety (90) days of the date that the Village Board adopted the Commercial Horse Boarding Text Amendment.

D. On June 29, 2015 on Plaintiffs' motion, this Court voluntarily non-suited Counts I and II of the Complaint.

E. Prior to authorizing its attorneys to present this settlement agreement to this Honorable Court the Village Board held a properly noticed Public Hearing/meeting on September 23, 2015 affording all interested persons the opportunity to be heard.

F. The Legal Notice of the Public Hearing was published in the Daily Herald newspaper, a newspaper of general circulation within the Village of Barrington Hills, more than fifteen (15) days prior to said hearing, on September 8, 2015. A copy of the legal notice appearing in the paper is attached hereto as Exhibit A.

G. Notice was also sent via regular mail to all persons who provided their address at any of the meetings conducted by the Zoning Board of Appeals in 2014 in connection with the Public Hearings on the commercial horse boarding text amendment on September 9, 2015. A copy of the Notice to the interested public is attached hereto as Exhibit B.

H. Notice of the public hearing also appeared on the Village's website, not less than 15 days before the public hearing, from September 4, 2015 through September 23, 2015. A copy of the website Notice is attached hereto as Exhibit C.

I. Notice was also sent via regular mail to all Litigants in connection with the instant litigation on September 11, 2015. A copy of the Notice to the Litigants is attached hereto as Exhibit D.

J. Notice was also sent via electronic mail to all Attorneys of record for all of the Litigants in connection with the instant litigation regarding the commercial horse boarding text amendment on September 11, 2015. A copy of the Notice to the Attorneys for the Litigants is attached hereto as Exhibit E.

K. The Village Board, at properly noticed Village Board Meetings, after careful deliberations in Executive Session under the pending litigation exception to the Open Meetings Act, 5 ILCS 120/2(c)11 on September 28, 2015 and again on October 26, 2015, in Executive Session and thereafter, in Open Session, voted to settle this matter on the terms and conditions set forth in this Agreed Order of Settlement.

L. The Court finds that it has jurisdiction of all of the Parties and the subject matter herein and it has the authority to enter this Agreed Order.

M. The Plaintiffs and the Defendant agree that it is in their best interests and the best interests and the best interests of the residents of the Village that this matter be fully and fairly resolved, without any further resort to the Court for relief.

WHEREFORE, the Parties adopt the preambles set forth above as if fully set forth herein and adopt the following terms and conditions as their Agreed Order of Settlement and acknowledge that the same are supported by sufficient consideration:

1. The Plaintiffs and the Defendant agree that this Agreed Order constitutes a final and binding order with respect to the Village pertaining to the Commercial Horse Boarding Text Amendment.

Defendant judicially admits as follows:

- a. Count III of Plaintiffs' Complaint states a viable cause of action.
- b. The Village Board, after careful analysis and upon closer scrutiny has determined that the Commercial Horse Boarding Text Amendment, on the date of entry of this Agreed Order and at the time of its adoption, bears no rational relationship to the public health, safety, comfort, morals or general welfare and is otherwise unlawful, in that it alters the residential character of the Village, does not take into consideration the impact of large scale commercial horse boarding on the character of the Village, it does not consider the effect of such on the residential roadways within the Village, relative to traffic in residential areas and the detrimental effect of large trucks on the Village roadways, does not take into consideration the potential noise implications of large scale commercial horse boarding on the residential character of the Village, does not impose a limitation on the number of commercial horse boarding facilities within the Village and has a potentially negative impact upon property values within the Village, among other things.
- c. The Commercial Horse Boarding Text Amendment is at the time of entry of this Agreed Order and was at the time of its adoption unreasonable, unlawful, and null and void *ab initio*, due to said Commercial Horse Boarding Text Amendment being inconsistent with the standards contained in the Village Ordinance as alleged in paragraph 132 of the Complaint.
- d. The Village, its officers, agents, servants and employees are permanently enjoined from enforcing the terms of the Commercial Horse Boarding Text Amendment.

3. The Attorneys for the Plaintiffs have represented to the Court that they are authorized by all of the named Plaintiffs to enter into this Agreed Order of Settlement; said Attorneys have explained the terms and conditions of this Agreed Order of Settlement to all of the named Plaintiffs; and that said named Plaintiffs have affirmed to said Attorneys that they understand the contents herein and agree to the terms and conditions contained herein.

4. The Attorneys for the Defendant have represented to the Court that they are authorized by the corporate authorities of the Village to enter into this Agreed Order of Settlement and that the Village has the authority to enter into this Agreed Order of Settlement.

5. The Plaintiffs and the Defendant agree that none of the Parties to this proceeding shall recover of and from any other party any costs which such party has sustained in connection with this cause. All such costs having been paid and shall remain with and be taxed to the party which has heretofore incurred such costs.

IT IS HEREBY ORDERED THAT:

A. The recitals set forth above are incorporated herein by reference in their entirety and made part hereof.

B. The Commercial Horse Boarding Text Amendment is null and *void ab initio*.

C. Counts I and II are hereby voluntarily dismissed, with prejudice.

D. Judgment is entered on Count III, against the Village pursuant to the terms of this Order.

F. This Court shall retain jurisdiction of the above-entitled action for the purpose of construing, implementing and enforcing the provisions of this Settlement Agreement.

DATED: November ____, 2015

ENTER:

Honorable Judge David Adkins

AGREED:

VILLAGE OF BARRINGTON HILLS

By: 

One of Their Attorneys

Patrick Bond (ARDC No. 6193855)

BOND AND DICKSON

400 S. Knoll Street, Unit C

Wheaton, IL 60187

Phone: (630)681-1000

patrickbond@bond-dickson.com

AGREED:

**JAMES J. DRURY III, as agent of the
Peggy D. Drury Declaration of Trust U/A/D
02/04/00, Jack E. Reich and James T. O'Donnell**

By: 

One of their attorneys

Thomas R. Burney (ARDC No. 0348694)

Law Office of Thomas R. Burney, LLC

40 Brink Street

Crystal Lake, IL 60014

Phone: (815)459-8800

Fax: (815) 459-8429

Village of Barrington Hills
Special Village Board
Public Meeting Notice

The Village Board of Trustees, in February 2015, amended the Village Code to regulate large scale commercial horse boarding operations through a Text Amendment to the Village Code. Previously, horse boarding was regulated under the Home Occupation provisions of the Code. Since the adoption of the Amendment, a lawsuit has been filed challenging the Text Amendment. The Village Board is committed to permitting commercial horse boarding and equestrian activities within the Village. The Board is deliberating the current regulatory scheme in an effort to determine the most appropriate method to regulate large scale commercial horse boarding operations in such a way as to preserve the existing character of the community. The Board is exploring all of the Village's options, including the possible settlement of the pending litigation.

The Village Board is seeking input from the public on this issue at a Special Village Board Meeting, scheduled for Wednesday, September 23, 2015 at 6:30 p.m. at Countryside Elementary School, located at 205 West County Line Road, Barrington, IL, to provide comment. If you are unable to attend, please feel free to e-mail written comments to clerk@vbhll.gov by September 22, 2015.

Please go to vbhll.gov/news.html for more information, including viewing a copy of the lawsuit in the case entitled, James J. Drury III v. Village of Barrington Hills, Case No.: 2015 CH 3461.

VILLAGE OF
BARRINGTON HILLS
BOARD OF TRUSTEES
AGENDA

Special Called Meeting
Wednesday, September 23,
2015, 6:30 p.m.

Countryside
Elementary School
205 West County Line Road,
Barrington Hills, Illinois.

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF

ALLEGIANCE

IV. PUBLIC COMMENT:
REGARDING THE PO-
TENTIAL SETTLEMENT
OF PENDING LITIGA-
TION, JAMES J. DRURY
III V. VILLAGE OF BAR-
RINGTON HILLS, CASE
NUMBER: 2015 CH 03461,
CHALLENGING THE CUR-
RENT ZONING FOR
HORSE BOARDING AND
TRAINING FACILITIES IN
THE VILLAGE OF BAR-
RINGTON HILLS RESULT-
ING FROM THE 2015 TEXT
AMENDMENT

(All persons wishing to speak shall state their names before offering comment. Commentary shall be limited to 3 minutes or such other time as the Board of Trustees may set. After speaking, speakers shall remain at the podium for any questions from the Village President or Village Trustees, if requested.)

V. ADJOURNMENT
Published in Daily Herald
September 8, 2015 (4418608)

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 September 8, 2015 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

Laurel Baltz
Authorized Agent

Control # 4418608

EXHIBIT

Submitted by Thomas R. Burney
ZANCK, COEN, WRIGHT & SALADIN, P.C.

Village of Barrington Hills
Special Village Board
Public Meeting Notice

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VILLAGE OF BARRINGTON HILLS
BOARD OF TRUSTEES

AGENDA

Special Called Meeting
Wednesday, September 23, 2015, 6:30 p.m.
Countryside Elementary School
205 West County Line Road, Barrington Hills,
Illinois.

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGEANCE

IV. PUBLIC COMMENT: REGARDING THE
POTENTIAL SETTLEMENT OF PENDING
LITIGATION, JAMES J. DRURY III v. VILLAGE OF
BARRINGTON HILLS, CASE NUMBER: 2015 CH
03461, CHALLENGING THE CURRENT ZONING
FOR HORSE BOARDING AND TRAINING
FACILITIES IN THE VILLAGE OF BARRINGTON
HILLS RESULTING FROM THE 2015 TEXT
AMENDMENT

(All persons wishing to speak shall state their
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V. ADJOURNMENT

Village of Barrington Hills
Special Village Board
Public Meeting Notice

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EXHIBIT

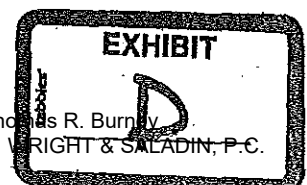
Submitted by Thomas R. Boney
ZANCK, CO. WRIGHT & SALADIN, P.C.

Village of Barrington Hills
Special Village Board
Public Meeting Notice

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BOND DICKSON
ATTORNEYS AT LAW

September 11, 2015

VIA E-MAIL TRANSMISSION

Mr. Thomas Burney
Law Offices of Thomas Burney
40 Brink Street
Crystal Lake, Illinois 60014

Mr. James P. Kelly
Matuszewich & Kelly, LLP
101 N. Virginia Street, Suite 150
Crystal Lake, Illinois 60014

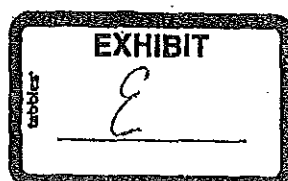
Mr. Terrence J. Freeman
Law Offices of Terrance J. Freeman, P.C.
1250 Grove Avenue, Suite 200
Barrington, Illinois 60010

Patrick Fitzgerald
Mark E. Rakoczy
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP
155 North Wacker Drive
Chicago, Illinois 60606

Re: *Drury v. Village of Barrington Hills*
Case No. 2015 CH 03461
Our File No. 14-1056

Gentlemen:

As you may be aware, Bond, Dickson & Associates, P.C. represents the Village of Barrington Hills. In connection with that representation, the Village Board has been assessing its legal options relative to the above referenced matter. In order to assist the Board of Trustees in determining the appropriate course of action for the Village, there will be a Special Village Board Meeting held on Wednesday, September 23, 2015, at 6:30 p.m. at Countryside Elementary School, located at 205 W. County Line Road in Barrington Hills. The Village Board will be seeking input from the Public to guide its decision relative to analyzing the possibility of settling the pending litigation as well as alternate ways of regulating commercial horse boarding operations.



Submitted by Thomas R. Burney
ZANCK, COEN, WRIGHT & SALADIN, P.C.

Drury v. Village of Barrington Hills
September 11, 2015
Page 2

A copy of the Meeting Notice was published in the Daily Herald Newspaper, along with the Agenda for said Meeting. The Meeting Notice and Agenda are posted on the Village website and were included in the Village Newsletter. In addition thereto, each person who participated in or attended the various Public Hearings on the Commercial Horse Boarding Text Amendment before the Zoning Board of Appeals and the Village Board were provided a copy of the Meeting Notice and Agenda. Each of your respective Clients was provided with notice from the Village relative to the Meeting Notice and the Agenda.

As a courtesy, I am providing you herewith a copy of the Special Village Board Public Meeting Notice and the Agenda for said Special Called Meeting. The Board will not be deliberating on this matter at the Special Meeting. The board will simply be receiving input from the public as set forth above.

Should you have any questions regarding this Meeting, please feel free to contact me.

Very truly yours,

BOND, DICKSON & ASSOCIATES, P.C.

/s/ Patrick K. Bond

Patrick K. Bond

PKB/amo
Attachments

**Public Comment for the Zoning Board of Appeals Meeting Scheduled for July 18, 2016,
and Continued to August 1, 2016**

I am J.R. Davis, Chairman of Barrington Hills Farm, and a resident of the Village of Barrington Hills. I am speaking on behalf of myself, a landowner and resident of Barrington Hills, and as Chairman of Barrington Hills Farm, a 602-acre tract of land in the northwest corner of Barrington Hills, originally owned by Alex and Barbara MacArthur as Strathmore Farms, and then by Fritz Duda. First, we want to thank each of you for your volunteer service on the Zoning Board of Appeals. Thank you for serving our community.

On behalf of Barrington Hills Farm and the greater Barrington Hills equestrian community, I respectfully request that the Zoning Board of Appeals ("ZBA") table its consideration of the Zoning Ordinance text amendment submitted by Mr. James J. Drury III, until it has completed the process it set forth in its June 20, 2016 meeting. I request that the ZBA continue tonight's meeting by discussing the history of horse boarding in the Village as the ZBA set forth in its June 20, 2016 meeting as the first step in this process.

In furtherance of this request, I would like to take this opportunity to provide you with some historical information. First, the Village has continually represented itself as an equestrian community. This proposition is evidenced on the Village's website, which prominently states "The Village of Barrington Hills: A unique rural equestrian community . . . an oasis of another time." It is evidenced in the Village's Comprehensive Plan, which was amended and adopted most recently in 2008. The Comprehensive Plan states, "Barrington Hills is a community of residents acting as stewards for a quiet, secure and natural environment, unique within the Chicago metropolitan area, which supports the long term, sustainable use of property for equestrian-oriented, open countryside living. One characteristic which distinguishes

Barrington Hills from other [] communities is its equestrian tradition.” The Plan also describes the existing conditions as follows: “[m]ost residences are located on individual lots of five (5) or more acres, many for an equestrian lifestyle and for the appreciation of tradition of equestrian activities associated with these five acre lots.” Consistent with these representations, the Village Code provides for horse boarding on property within the Village and in 2015, adopted additional regulations regarding the boarding and training of horses. (*See* Village Code 5-3-4(A).) Since that 2015 horse boarding text amendment was adopted on February 23, 2015, the Village of Barrington Hills has received zero complaints regarding horse boarding activities in the Village.¹

As a member of the Village, this issue is very important to me, and to Barrington Hills Farm. Barrington Hills Farm acquired a substantial portion of land in and adjacent to the Village with the intention of boarding horses for two non-profit organizations, the Hooved Animal Rescue & Protection Society of Barrington, Illinois (“HARPS”) and Veterans R&R. HARPS is a non-profit organization that takes in, rehabilitates, and finds new homes for horses and other hooved animals that have been abused and neglected by their owners. Veterans R&R is a non-profit organization that works to improve the lives of Veterans and Active Duty Military members. Barrington Hills Farm invested significant money and effort based on the Village’s identity as an equestrian community and the current ordinances in the Village Code. Barrington

¹ On June 28, 2016, Barrington Hills Farm, through its attorneys, submitted a Freedom of Information Request to the Village seeking, “Any and all complaints sent to the Village of Barrington Hills (the “Village”) regarding horse boarding activities between February 23, 2015 and today. For purposes of this request, the Village includes all Village personnel, Village representative bodies, and members of those representative bodies, including but not limited to: the Village Board, the Village Board Members (Colleen Konicek Hannigan, Fritz Gohl, Michael Harrington, Bryan C. Croll, Michell Nagy Maison, and Brian D. Cecola), the Village President (Martin J. McLaughlin), the Village Zoning Board of Appeals Members (Daniel Wolfgram, David Sticper, Richard Chambers, Jim Root, Jan C. Goss, Debra Buettner, and Patrick J. Hennelly), the Village Clerk (Anna Paul), the Director of Administration (Robert Kosin), and any past Village Board Member or Zoning Board of Appeals Member, during that time period he/she was serving the Village.” On July 15, 2016, the Village’s attorneys responded to this request stating, “To confirm, the Village does not have any records responsive to item 1 (complaints regarding horse from February 23, 2015 to present).”

Hills Farm is committed to providing a benefit to the community at large and to veterans. This commitment is compatible with the Village's Comprehensive Plan and the current Village Code. Both the Village's longstanding image as an equestrian community, and Barrington Hills Farm's purpose in acquiring land in Barrington Hills, will be devastated by the proposed amendment.

Tonight, I hope that you will continue to delve into the Village's equestrian roots, and listen to the voices of your community. I urge you to table any discussion regarding amendments to the text of the horse boarding portions of the Village Code until you have completed this process.

However, should you continue discussion of the Drury Amendment tonight, there are two fundamental problems with this amendment that you must recognize. First, this amendment was initiated to advance the interests of an individual, not the public at-large. Under Section 5-10-6 (F) of the Village Code, "The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant." The proposed amendment seeks to repeal Village Ordinance 14-19, which was passed by the Village Board of Trustees on February 23, 2015, to expressly delineate the rights and obligations involved with boarding horses on R-1 property in the Village. However, as I stated before, there have been no complaints regarding horse boarding since the 2015 ordinance was enacted, and there has been no evidence that this amendment was initiated to serve the interests of the general public. Further, the property owner proposing this amendment is currently engaged in two separate lawsuits regarding horse boarding activities in the Village. This amendment advances the individual interests of Mr. Drury, and will not further the public interest. Because this amendment does not advance the public interest, it should not be recommended.

Second, this text amendment, initiated by a single Village resident diminishes the property rights of all other R-1 property owners in the Village. I ask that the ZBA consider whether it is appropriate for one resident to initiate a text amendment that will diminish the property rights of multiple other landowners, but that appears to have no adverse effect on this resident's own property. I also ask that the ZBA delineate the underlying authority that allows an individual resident to propose such an amendment to the Village Code. Without this requisite authority, Mr. Drury's amendment should not be considered by the ZBA.

I urge each of you to consider the Village's longstanding commitment to equestrian uses, and our interest as residents in maintaining the current Village Code provisions regarding horse boarding. Please do not deviate from your past plans to advance the interests of a single property owner. Instead, listen to your constituents and take the time to hear from the appropriate Village entities. I urge you to table this proposed amendment to the Village Code.

Thank you.

To the Village of Barrington Hills' Zoning Board of Appeals:


On behalf of Barrington Hills Farm and the greater Barrington Hills equestrian community, I write to respectfully request that the Zoning Board of Appeals ("ZBA") table its consideration of the Zoning Ordinance text amendment recently submitted by Mr. James J. Drury III (the "Drury Amendment"), which is currently scheduled for a public hearing and vote at the August 1, 2016 ZBA Meeting.

The Drury Amendment was proposed in May of 2016 and was first addressed at the June 20, 2016 ZBA Meeting. During that meeting, the ZBA indicated that it would hold a public hearing on the Amendment in September. In an effort to gather information that would help inform the ZBA's consideration of the Amendment, Barrington Hills Farm—an organization committed to maintaining the Village's equestrian vision by providing educational seminars for new and veteran horse owners—submitted a request under the Illinois Freedom of Information Act, 5 ILCS 140/1, *et seq.*, seeking, among other things, (1) all complaints sent to the Village regarding horse boarding activities since the enactment of Village Ordinance 14-19 (a 2015 Zoning Ordinance that clarified residents' rights to board horses on their property), and (2) all documents, correspondence, or other materials reflecting communications to or from the Village regarding Barrington Hills Farm.

The hearing on the Drury Amendment is now less than two business days away, and the Village still has not yet provided a complete production in response to the FOIA requests that Barrington Hills Farm submitted over a month ago. Barrington Hills Farm does not know whether the remaining records will be of consequence, but the ZBA should not be forced to proceed where additional records may be material to its decision. Barrington Hills Farm thus respectfully urges the ZBA to table the consideration of the Drury Amendment until the Village has completed its FOIA production. Postponing a vote on the Amendment will not prejudice any party, and will ensure that the ZBA has the opportunity to consider all relevant information before resolving an issue of great importance to Barrington Hills community members.

Thank you for your consideration and your continued service to our community.

Sincerely,



J.R. Davis
Barrington Hills Farm

PUBLIC COMMENTS FOR THE BARRINGTON HILLS ZONING BOARD
OF APPEALS MEETING SCHEDULED FOR JULY 18, 2016, AND
CONTINUED TO AUGUST 1, 2016

My name is Pearl Zager. I am an attorney with the firm of Vedder Price, and I represent Barrington Hills Farm. Barrington Hills Farm is the organization that acquired the 600 acres known as the “Duda property” in 2014.

Barrington Hills Farm has an interest in this amendment because some of the land it acquired is still within the boundaries of the Village, and all of its land is within the peripheral planning zone for purposes of the Village’s Comprehensive Plan. Also, one of the intended uses of the property acquired by Barrington Hills Farm is the construction of an equestrian facility with adjacent pasture and farm land for use by the Hooved Animal Rescue and Protection Society (HARPS) and Veterans R&R. Barrington Hills Farm views this use as complimentary to the equestrian activity in the Village and expects the equestrian community to be among the supporters of these charitable organizations.

Barrington Hills Farm believes that the Zoning Code text amendment proposed by James J. Drury III is flawed for several reasons.

1. Given that there have not been any complaints to the Village about horse boarding operations since the latest Zoning Code amendment governing horse boarding was adopted in 2015, it is not clear what issues the amendment is intended to address or what constituency it is serving.
2. Many of the provisions of the proposed amendment do not make sense from a practical point of view. For example, in proposed Zoning Code section 5-3-4(D)3(g), regarding boarding horses and training horses and riders as a permitted home occupation:

(a) Only the immediate family of the home owner who reside on the premises are allowed to carry out the functions of boarding and training horses and their riders before 8 am and after 8 pm or sunset, whichever is later. The person who owns the boarded horse cannot feed or groom the horse or muck the stall herself unless she does it between the hours of 8 am and 8 pm or sunset. For the horse owner who is employed in downtown Chicago or elsewhere and has a long commute and a long workday, this provision eliminates any early morning opportunities to perform those functions. This restriction to family members who reside on the premises means the adult son or daughter who participates in the home occupation but no longer lives with mom and dad cannot handle any of the boarding or training duties except during those prescribed hours. This restriction precludes the home owners’ family from taking a vacation together and having a third party (whether a paid employee or friendly volunteer) care for the animals in their absence on a 24/7 basis.

(b) No vehicles or machinery, except those owned by the immediate family of the home owner who reside on the premises, may be operated on the premises except between hours of 8 am and 8 pm or sunset. This means the home owners cannot employ non-family members or non-resident family members to do any of the early morning boarding work if the non-family or non-resident family workers use their own vehicles or equipment. However, the non-family

and non-resident family workers can operate any of the vehicles and machinery owned by the immediate family who resides on the premises at any time of day or night. This restriction cannot be intended to address a noise issue, as a family-owned tractor makes the same amount of noise as the same tractor owned by a third party.

(c) If the aim of the vehicle restriction is to reduce traffic on the Village roads, is there empirical evidence that the vehicles and machinery operated and transported by third party boarding service and product providers are more burdensome on the roads in the Village than all of the other service and product deliveries that home owners (with and without horses) use on a daily basis? Consider that many home owners hire outside cleaning services, landscapers, personal trainers, caterers, repairmen, home remodelers or order products delivered by UPS or Federal Express, all of which use the same roads.

(d) There are various degrees of boarding contract terms. These more restrictive provisions may adversely affect the home owners' ability to enter into a boarding contract that is less than a full service agreement, where there is an adjustment on the price in consideration for the non-resident horse owner performing some of the boarding functions, if the non-resident horse owner is not regularly available during the permitted hours.

(e) Conversely, the home owner who does not board anyone else's horses, but who has the same number of horses, can hire anyone he wants, family or not, and operate any vehicle or machinery on the premises to carry out any of the same functions that the boarding operation does before 8 am and after 8 pm or sunset. The public interest purpose of these proposed amendments reducing the hours during which boarding and training facilities may conduct specific activities and expanding the people and activities that are restricted is not clear.

3. There is no need to distinguish "commercial" boarding operations. There are other Village codes in place governing septic system requirements and animal waste management (as noted in the existing provisions of Zoning Code Section 5-3-4 (A)2(iii)). Title 7 of the Village Code is sufficient to regulate nuisances and other health concerns, such as noise, light pollution, manure disposal and odor issues with any horse boarding operations, regardless of size or type of ownership.

4. The special use provisions in Section 5-10-7 of the proposed amendment have the effect of precluding the existence or continuation of any horse boarding that falls within the proposed definition of "Commercial Boarding". The proposed special use permit expires after 5 years. There is no incentive to invest the capital required to operate a horse boarding facility if the owner has no certainty that he/she will be able to continue operating after 5 years, even if he/she is in compliance with all applicable codes and regulations. It also eliminates any value of the horse boarding operation as a going concern for anyone who does obtain the special use permit, leaving the owner with nothing to sell at the end of the 5 year term except a pile of used equipment.

5. The conservation, health and welfare issues that the proposed amendment appears to attempt to address are not dependent on the ownership of the horses. The number of horses, the size of the land, and the design and operation of the facilities and equipment are the relevant factors. Those are issues that need to be addressed in tandem with other departments in the

Village and other sections of the Village Code. The Zoning Code should not be used to circumvent a comprehensive, integrated approach to any known issues or future planning goals.

6. If the purpose for amending the horse boarding provisions of the Village Code is more global and intended to address and implement some of the visions in the Village's Comprehensive Plan, then it does not seem appropriate for the ZBA to accept, without broad public input and an appropriate time line, a proposed amendment prepared by one private resident. If this is the purpose, then the ZBA should be investigating other communities approaches to horse boarding, as it did through its prior Village attorneys in 2011, as well as other similarly situated equestrian communities across the country. It should be researching best practices for conserving equestrian land and natural resources and balancing those goals. This information is readily available from professionals in the field, like John Blackburn of Blackburn Architects, whom Barrington Hills Farm has employed to design the equestrian facility that will be used by HARPS and the Veterans R&R. Mr. Blackburn writes and blogs extensively on barn design and equestrian land management and is the author of Healthy Barns by Design. He addresses issues such as the environmental impact of facilities on soil and water and waste management in his planning. Information on other communities' equestrian property regulations are available from equestrian societies like the national Equine Land Conservation Resource, an organization on which Mr. Blackburn and Dawn Davis, a resident of Barrington Hills, serve as directors.

For these reasons, Barrington Hills Farm believes that the Zoning Code text amendment proposed by Mr. Drury does not advance the public interest and should not be recommended.

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Letter to Barrington Hills Zoning Board of Appeals July 30, 2016

Introduction

I am John Blackburn senior principal and founder of Blackburn Architects, a firm specializing in equestrian design with over 30 years of experience. I am a licensed architect in the state of Illinois and have designed and constructed an equestrian facility in Barrington Hills, Angel Grace Farm, for Dennis and Stacey Barsema. My firm has designed over 200 equestrian facilities located in over 30 states ranging in size from small private horse barns (of 5 horses or less on 5 acres) to larger facilities with both private and public stabling of multiple horses many with 50 or more horses on hundreds of acres of land. I have worked in many communities with issues similar to those facing Barrington Hills today.

I am also the author of the book, Healthy Stables by Design, which focuses on the design of equine facilities that provide a healthy environment for horses as it balances the horse's needs with the owner's goals and the demands of the site. The "site" as I describe in my book refers to the property on which the facility is built, the community in which it is located, the specific environmental conditions in the area as well as the building and zoning codes and other land restrictions that can often limit or prevent equine activities, purposefully or otherwise. My design philosophy has been to demonstrate how critical it is to understand these "restrictions" and design a facility that is compatible with all requirements.

I submit this letter as a board member and representative of the Equine Land Conservation Resource (ELCR) and as an equestrian architect, who has spent his entire professional career designing for horses and planning the farms that stable them in support of equine activities throughout the country and specifically today in Barrington Hills.

The Issue

The Zoning Code text amendment proposed by James J. Drury III is not, in my opinion, the proper means to address the alleged "issue." As I understand it, this amendment seeks to restrict horse boarding because of one person's concern that horse boarding as a permitted land use can have a negative impact on the environment, the aesthetic natural beauty of Barrington Hills, property values, and the general quality of life in the community.

Thus, Mr. Drury has proposed revisions to the current zoning ordinance with the purpose of preventing this alleged negative impact. The proposed zoning modifications have been designed to limit the amount of horse boarding by establishing restrictions on the minimum amount of acreage (one grazing acre per horse), the number of horses (maximum of 20 horses), the number of years a special use permit for horse boarding will exist (5 years after issuance), the hours of operation for horse boarding activities, the size of barns and other auxiliary buildings, and the lighting on the property.

Letter to Barrington Hills Zoning Board of Appeals

July 30, 2016

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Barrington Hills has long been known for its equine heritage and the reputation as one of the leading equestrian communities in the country. That equestrian life style has contributed substantially to the real estate value as a residential community and made it one of the most valued residential communities in the suburban Chicago area. As a result of its success and its bucolic beauty, Barrington Hills is experiencing pressure from suburban growth and that suburban sprawl increases the pressure on horse lands (horse farms, land values, hay production, equine support businesses, etc.). These growth pains are not limited to your community. As an equestrian designer and an active member of the ELCR, I see this everyday in communities throughout the country. You are not unique in this problem but you have a great opportunity to plan for this development without destroying what you have. **In my opinion, this amendment is a step in the wrong direction. There is another way.**

I feel strongly that excessive restriction of equine activity or the over regulation of zoning horse activities to "protect" these values in a community can actually have the opposite effect. There are any number of communities where the unique benefits that equestrian lifestyles bring to a community have been lost through implementation of overly restrictive or inappropriate restrictions of zoning and land use changes similar to what is being considered in Barrington Hills. Many of these communities were created around equestrian activities that provided aesthetic beauty, added value that people appreciated, and created a sense of uniqueness for the community. Land values and quality of life are probably the most appreciated benefits of these equestrian communities.

There are plenty of examples where the two coexist successfully and others where they do not. There are too many examples of where restrictive regulations have been put into place and have in effect "killed the golden goose" that brought a unique benefit to the community and "put the community on the map."

Proper planning and management practices for horse farms if followed can accomplish the same goal of protecting the community without destroying the equine community or curtailing equine activities. I want to emphasize one important point: **horse boarding is not the problem. The problem is the management and operating procedures that are not followed.** Poor management and operational procedures are not unique to equine facilities. That can happen with any development whether it is single family, multi-family, commercial, or industrial development. The answer is intelligent planning.

My experience with designing for horses has shown me that proper planning, operation and maintenance are the best means to this end. It is not as simple as restricting boarding operations. That in my opinion is a reactive impulse that can be more detrimental to a community than doing nothing. I don't necessarily recommend that nothing be done. I do recommend that through the incorporation of Best Management Practices (BMP) and the institution of sustainable land management principles we can better achieve the communities overall goals for both equestrian and non equestrian residents and preserve a wide range of equine activities at the same time maintaining the benefits of this unique equestrian community

There are many examples where proper Best Management Practices (BMP) have been followed successfully in a variety of locations and preserved equine activities and the benefits they bring to everyone in that community. As a member of the American Horse Council and a board member of the Maryland Horse Council where I am an executive member of the Horse Farm Stewardship Committee, I participate in the process of educating and assisting horse farm

Letter to Barrington Hills Zoning Board of Appeals

July 30, 2016

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owners and communities in how they can make their farm sustainable and obtain certification as such. We have over 35 sustainable horse farms in Maryland. The program not only brings recognition to the owners of those farms and environmental benefits to their community, but also contributes to the economy and property values and overall quality of life for the entire community, both equestrian and non-equestrian.

Often times the restrictions that lead to killing the golden goose happen through lack of understanding. Let's take minute to reflect on the benefits horses bring to Barrington Hills. Equine activities bring a whole host of benefits to a community that may not be recognized or just overlooked by its residents. Those benefits include: economic, aesthetic and environmental benefits.

Economic Benefits: Horses have a strong positive economic impact on our communities. Horse business and horse industry "can be significant economic drivers, creating tourism and cottage industry for communities," This "economic benefit is hard to deny". "Horses require professionals from vets to hay growers and from farriers to trainers." All farms whether they are small or large require these services. Actually they can more readily controlled and managed when it is a larger farm than when it is multiple smaller farms.

"A community that is open and receptive to horses will find that the economic impact of these cottage industries far outweigh the cost of providing municipal services for them. A well-maintained and equine friendly horse event facility or trail system will also lead to horse tourism, a great advantage for local businesses, hotels and restaurants." Management is the operative word, not blanket restrictions.

More residential and commercial development are going to bring more roads, more parking lots, more power lines and costly infrastructure, more institutional support facility i.e. schools, fire stations, sewage treatment facilities, etc. Large equestrian properties have a significant lower environmental impact on an area than intense residential development. "A large sprawling field or pasture with healthy horses grazing increases real estate sales, property values and the economic benefit that brings."

Aesthetic Benefits: While desirable landscapes are important to the overall quality of our communities, scenic vistas and view sheds are often destroyed during sudden change and uncontrolled development. Barrington Hills has that now. When development is not properly planned or managed it can have a dramatic impact upon the landscape and have a negative impact on the communities unique sense of place.

Horse properties with their open pastures, miles of fencing, that can be nicely landscaped and provide a rural and bucolic sense of scale could be lost forever with all the benefits associated with it if not properly managed.

Environmental Benefits: "Benefits accrue to the community from having horses in the neighborhood ranging from socioeconomic to environmental." They should not be limited but can be "better recognized and incorporated through land use planning efforts." Eliminating or over restricting horse boarding is not the answer. It's the management and planning for these activities that is important. "The first step in making this a reality is an understanding of what types of benefits can be gained from encouraging horse farms in the landscape." These include the important ecological contributions to the environment such as:

- Provision of wildlife habitat
- Watershed and stream protection
- Groundwater recharge

Letter to Barrington Hills Zoning Board of Appeals

July 30, 2016

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Soil conservation
Maintenance of biodiversity

Horses have a very positive impact on an area's ecology. Well maintained horse facilities protect ground water and waterways, conserve soil, and encourage biodiversity.

Conclusion:

As an equine design professional I ask that you not attempt to "resolve" your concern for horse boarding by overly restricting that activity, but instead look to putting in place zoning procedures that encourage the pursuit of Best Management Practices and encourage improved sustainability of horse properties by maximizing the resiliency of the land and waters that serve the community. These will not only address the horse boarding concerns but other equine related concerns while not restricting horse activities at the expense of what makes Barrington Hills a unique and valued equestrian community. These BMP's will in turn generate cost savings and multiple benefits over time and allow you to set an example for other equine communities that feel the pressure of unplanned development.

Horses are important, not just to a small group of residents, but to the economic, physical, emotional, and environmental well-being of the entire community. In short the community of Barrington Hills needs its horses.

Reference: This letter contains information that was obtained from www.ELCR.org, the web site for the Equine Land Conservation Resource.

Footnote:

What are Best Management Practices: BMP's are highly localized. While all BMP issues apply to all horse facilities, the actual implementation tactics vary greatly by region.

BMP are "methods and techniques designed to mitigate damage to environment while simultaneously utilizing resources in the most efficient way possible." They apply to water quality, air quality, and soil quality. When BMPs are appropriately applied they control and prevent pollution from entering waterways and the air, protect the soil on the property and the quality of life for the entire community. These are especially important "in the context of the rural-urban interface" i.e. the suburbs.

Though these benefits can be accomplished to a degree by all horse farms they can best be accomplished by well managed horse farms through the implementation of Best Management Practices.

Respectfully submitted by John A Blackburn, Blackburn Architects PC
Equine Land Conservation Resource, Board of Directors



Anna Paul <apaul@barringtonhills-il.gov>

Equine Boarding

Kenneth A. Johnson <johnsonkaj@comcast.net>
To: apaul@barringtonhills-il.gov

Mon, Aug 1, 2016 at 12:59 PM

Barrington Hills Zoning Board meeting

Intro

Ken Johnson
214 N. Brockway St.
Palatine
Boarder in Barrington Hills

I am a RCBH member, and Trail Rep., and have a Cook County horse and rider license

First and foremost I want to thank the people of Barrington Hills for giving me and others the opportunity to enjoy this area. We are very grateful for that. In my opinion the people who ride here whether residents or not are the salt of the earth. They love animals and they love nature

I have had three horses in my life time and have been a boarder here in Barrington Hills for 40 years at Fox and KC Farms. In that entire time, to my knowledge, there has not been one complaint regarding the boarding facility of either of those Farms.

All of us who ride here respect this community and know that it's a privilege to be here and not a right. I hope you will reconsider your position of restricting horse boarding and realize that we are your friends here in Barrington Hills and respect the opportunity to be here.



Village Clerk <clerk@barringtonhills-il.gov>

Tonight's zoning meeting, please add to file.

Debra Hasanoglu <Debrajeann@aol.com>

Mon, Aug 1, 2016 at 3:01 PM

To: Clerk@vbhil.gov

To whom this may concern:

I am not able to attend the zoning committee meeting this evening but would like to express my concerns in regards to the issue of allowing boarding facilities to remain active in the community of Barrington Hills or not. I am a member of the Barrington Hills Polo club since 2007. I have had the opportunity to drive through the beautiful rolling hills of Barrington on several occasions and have been awed at the impeccable care given by its community. I understand the need to stand guard to protect such a jewel. In the issue at hand is it really horses and equestrians that threaten this community? Has it been thought that the real danger is in giving ear to the intentions of one man that wishes to inflict pain and hostile actions in retribution to something he believes has been done to him. In the process dividing what once was a bonded and harmonious community. I do not believe the issues of car lights and traffic are the problem. An equestrian farm with beautiful horses and its participants enriches a community in both its landscape and its legend. A boarding facility is simply a sharing of Barrington Hills open spaces and it's history of passionate equestrian activities. This sharing has been going on since the 1800's. Have we become so petty as to live by rule of a mans translation and misinterpretations of a zoning law. The crime here is the history you are writing with this fight. Muddying a community that was respected for its harmony and agreement amongst its people. There should be some shame in all of this don't you think? This is agonizing to those of us that wish to preserve what was and what is.

Debra Hasanoglu
175 East Delaware Place
Chicago, Illinois 60611

Sent from my iPhone

Mr. Chairman and Members: I am A. Robert Abboud, 209 Braeburn Road.

I have ~~two~~ brief comments for the Record.

1. Mr. Drury claims authority to file the Amendment which is under consideration because he is a "LANDOWNER". I find no public record listing Mr. Drury as a "LANDOWNER" in his own name as his Petition claims. I, therefore, ask the Zoning Board of Appeals, QUO WARRANTO. Unless the claim of Land Ownership is documented and verified, this proceeding is ultra vires and thus a waste of taxpayer time and dollars.

2. The Drury Petition for Amendment states: "Such amended definitions and additions contained herein are retroactive and in full force and effect as of June 26, 2006". This language unconditionally violates both the Federal and Illinois State Constitutions. Both the U.S. and Illinois Constitutions declare unequivocally that NO EX POST FACTO LEGISLATION shall be passed. And, yet, the Drury Petition proposes to retroactively nullify the Village Code to benefit one constituent to the detriment of everyone else. This is akin to a bill of Attainder barred by Article 1, Section 9 of the U.S. Constitution and prohibited in the Statutes of all 50 states, including ILLINOIS.

The only limited possible exception is when rights are expanded or added but not where rights are being curtailed.

Barrington Hills

Christy and I chose Barrington Hills as the place to live and raise our family for three reasons: 1) the people were friendlier here, and 2) the equestrian nature of this community, and 3) the 5 acre zoning which made a more beautiful community.

The equestrian activities were quite noticeable, with the hunt riding across roadways, the Pony Club kids riding at the Riding Center and learning to care for horses, the adult Riding Club members on the Community's trails, and the occasional horse shows and polo.

We loved seeing those things and eventually became part of most of them. Also we noticed a stronger sense of community because of those shared activities and equestrian spirit.

And we became aware of the infrastructure necessary for those activities to exist: the trainers, and teachers and mentors for the Pony Club kids, and boarding in the community, and trails to ride on.

The community pitched in and made these things happen.

Regarding boarding, an equestrian community cannot exist without sufficient boarding facilities. And we are grateful to those landowners who provide horse boarding to our community's riders. Without that our equestrian community would lose its equestrians and beautiful unique character.

I would not want to live in another Schaumburg. And we start moving that direction if we oppress horse boarding by making its existence difficult or impossible.

Before throwing out something significant it is wise to ask what you are giving up. Barrington Hills is one of the most

beautiful villages in America, partly from its horse farms and partially from the natural land conservation an equestrian cause.

And it's one of the only areas around a big city in the U.S. that offers both

5 acre minimum zoning and a vibrant equestrian community.

To chip away at the foundations of these things is akin to ruining a great painting - it's rare, it's beautiful, and it's more beloved all the time as other communities in the U.S. surrender to short term siren call of development, and take their path towards becoming another Schaumburg.

Citizens may later regret having taken that direction, but once it's begun the movement towards the lowest common denominator is unstoppable.

Therefore I strongly support horse boarding regulation and zoning in Barrington Hills as it currently exists, and ask all citizens to think deeply about what community they want to leave their children and grandchildren.

Thanks to all of you for listening and considering my thoughts.
Bryan Cressey.

03/15/11 17:01 FAX 847 551 3050

VILLAGE BARRINGTON HILLS

002

President
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Via Fax and U.S. Mail

March 15, 2011

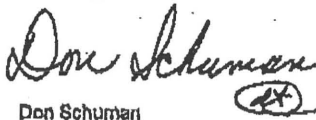
Dr. & Mrs. LeCompte
350 Bateman Road
Barrington Hills, IL 60010

Dear Dr. & Mrs. LeCompte,

The Building Department has received and examined your affidavit dated March 4, 2011. You have asked to consider the use of Oakwood Farm as a Home Occupation. The affidavit states the terms by which the use is a Home Occupation. Similarly, you submitted an employee register in support of the extent of your employee's hours.

Your Home Occupation pertains to boarding and training of horses, which is a use specifically referenced in subsection (g) of Section 5-3-4(D)3 of the Zoning Ordinance. Based on the information in your affidavit, it appears that the use of Oakwood Farm is a Home Occupation.

Sincerely,



Don Schuman
Building and Code Enforcement Officer
847-551-3003

A HOME RULE COMMUNITY

Entered in Record @ Request
of Robert Aboud.

August 4, 2016

**Zoning Board of Appeals
Village of Barrington Hills
Barrington Hills, IL 60010**

Re: Drury Text Amendment

Dear Board Members:

Once again the Village is faced with the continued controversy regarding horse boarding. I guess it was inevitable given the history of this issue.

In our opinion, any consideration of the Drury text amendment in its current form does nothing to settle this issue for two obvious reasons. First, Mr. Drury is embroiled in litigation with the Village and his neighbor, a commercial boarding operation. Second, Mr. Drury's text amendment was developed with only the assistance of his attorney. For these reasons alone, the proposed Drury Text Amendment should be disqualified.

Given the complexities of this issue and the enormous stakes involved, it seems prudent for the ZBA to convene a committee of qualified Barrington Hills residents, on both sides of the debate, to make a recommendation for a text amendment. Within reason, this committee should be empowered to retain consultants as necessary.

The Drury Text Amendment is draconian and will only serve to perpetuate the controversy for many years to come. The ZBA has an opportunity to finally put this issue to rest. It will not do so by recommending the Drury Text Amendment to the Board of Trustees.

The sky is not falling and there is no reason not to take the time for a more reasoned approach. Your Village residents will be grateful.

Respectfully,

Handwritten signatures of Matt and Holly Yeterian in black ink. The signature 'Matt' is on the left and 'Holly' is on the right, both followed by a horizontal line.

**Matt and Holly Yeterian
13 Deepwood Rd.
Barrington Hills, IL 60010**

David Buckley, Sr.
100 Buckley Road
Barrington Hills, Illinois

August 2, 2016

Mr. Dan Wolfgram, Chairman ZBA
Village of Barrington Hills
112 Algonquin Road
Barrington Hill, Illinois 60010

Re: Drury Amendment

Dear Mr. Wolfgram and members of the ZBA,

Dating back to 1925, I am now the fourth generation of my family to own and board horses in what eventually became the Village of Barrington Hills. There can be no doubt that I have a “dog in this fight”. The problem is, there is no fight. Thus, no need for Mr. Drury’s amendment which purports to fix a problem in the community that does not exist. Under any circumstances, Mr. Drury’s amendment is far too restrictive and assumes that horse owners in our village are all very wealthy individuals with unlimited amounts of money to spend on horses. That is far from reality. Surprisingly, although written by a former horse owner, the Drury Amendment would make it impractical for any resident to keep horses, regardless of property size.


After listening to speakers both “for” and “against” the Drury Amendment, it is clear to me that it has become a political issue, not a horse boarding issue. Look at the “players” involved on both sides of the issue. Residents opposed to the amendment (practically all are horse owners) for the most part supported Mr. Abboud in the last election, and residents in favor of the amendment are largely those who supported Mr. McLaughlin. When grouped together, proponents of both sides of the Drury Amendment represent a very small percentage of Barrington Hills residents. Why? Because there is no problem and an overwhelming majority of residents know that and simply have no interest in joining the fray. They have no “dog in the fight”.

I agree with the speaker at your August 1 meeting (I believe Mrs. VanFosson) who suggested we all take a step back and form a committee from residents on both sides of the amendment to try to come to a consensus that would work for all. To my knowledge, that has never been done despite the fact that manufactured horse boarding "problems" have been the subject of heated discussions in our community for the past few years. Many of us have witnessed friends and neighbors become highly emotional defending their respective sides, sometimes resulting in severely strained relationships.

I urge you to vote AGAINST recommending the Drury Amendment. Rather, please recommend the formation of a bi-partisan committee, comprised equally of residents nominated by each of the opposing viewpoints, whose mission is to formulate rules and regulations that will allow residents to continue to compatibly own and board horses in our community.

Thank you for your thoughtful consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read 'David Buckley, Sr.', with a long horizontal flourish extending to the right.

David Buckley, Sr.

847-381-0064

da.buckstops@gmail.com

August 9, 2016

**Mr. Dan Wolfgram, Chairman ZBA
Village of Barrington Hills
112 Algonquin Road
Barrington Hills, IL 60010**

RE: Drury Amendment

Dear Mr. Wolfgram and members of the ZBA,

It seems horse boarding in Barrington Hills becomes an issue every few years to divide our lovely community. It's like the Hatfield and McCoy feud that asks the whole community to choose up sides.

Other than Drury's legal vendetta with La Comp, I really don't believe there is any significant number of complaints in BH about horse boarding. Boarding horses in many cases is really a favor and an accommodation between friends. Horses eat twice a day 365 days a year and require daily care. It is not a profitable economic endeavor. No one in their right mind would ever buy property in BH simply to board horses.

The proposed amendment is totally flawed and unfixable. It puts an onerous burden on horse owners. The current ordinance seems to be working just fine. Why change it? The proposed amendment in a few words, ridiculous and impractical. Do we really need more rules and regulations, like the federal government, to impose more restrictions of our freedom?

In regard to this amendment are we really to assume that Drury is paying Tom Burney \$400 per hour simply in the altruistic, civic minded endeavor to "improve" BH. Really?

Back dating the amendment 10 years could put many BH horse owners in jeopardy for violations that they were unaware of over the last ten year period. Can you be guilty for an action that wasn't a violation when you did it?

“Vexatious litigation is legal action which is brought regardless of its merits, solely to harass or subdue an adversary. It may take the form of a primary frivolous lawsuit or may be the repetitive, burdensome and unwarranted filing over meaningless motions in a matter which is otherwise a meritorious cause of action.”

BH gave me my building permits many years ago, under the propose amendment BH misrepresented what I could use the buildings for. This could include anyone who built a horse barn in the last 20 years.

Since one must assume the proposed amendment would apply to all BH properties whether currently used for horses or not, could this create a class action problem for BH if the unintended consequences of its passage by the ZBA results in a decrease in all property values due to the new restriction? This amendment applies to current horse use but any 5 acre property could be potentially used for horses in the future. Every BH property owner will be affected by the amendment.

I urge you to vote against the Drury Amendment. Consider the unintended consequences of any ordinance or law. BH exists with 5 acre zoning because you need 5 acres to keep horses. Chase all the horses out, why do we need 5 acre zoning? Chase out all the residents who live here and buy here because of the horses, then ask your real estate friends if there could be a 10% or 20% drop in property values. It takes 368 days to sell a house in BH today. Are you trying for 600 days? Unnecessary horse boarding litigation has cost BH tax payers thousands of dollars, it is time to stop this nonsense.

BH from day one has been an equestrian community, let's keep it that way and restore good fellowship and harmony to our village.

Paul Loeber
CEO, Loeber Motors Inc.
ploeber@loebermotors.com

Barrington Hills Farm's Comments on Mr. Drury's Submission to the Village Board in Support of his Proposed Text Amendment

1. Overall, the “Analysis of Consistency with Sections 5-1-1 *et seq.*” submitted by Mr. Drury in support of his proposed amendment fails to demonstrate that his proposed amendment meets the standards for amending the Village’s zoning code. Instead, this analysis makes blanket statements regarding the “Current Text” of the Village Code, but provides no specific examples or evidence demonstrating that this proposed amendment is in furtherance of the purposes set forth in Section 5-1-2 of the Village Code. (Drury Text Amendment Submission, Ex. 2.)
2. Specifically, the proponent of the amendment makes the following unsupported and inaccurate statements.
 - (a) The proponent’s statement that the “Current Text allows as a right throughout the Village, primarily zoned R-1 property, does not promote or protect the public health, safety, morals, convenience and the general welfare of the people” is unsupported and contradicted by the current text of the Village Code.
 - (i) This statement is contrary to the Village Board’s statement accompanying Ordinance 14-19, which states, “Whereas, the President and Village Board of Trustees has considered the matter and determined that the recommended text amendment to Title 5 Zoning Regulations, Chapters 2, 3, and 5 be granted as recommended, as such action is believed to be in the best interests of the Village and its residents.”
 - (ii) It is also contrary to the Village Zoning Board of Appeals’ statement in its December 8, 2014 letter to the President and Board of Trustees, which states, “[T]he text amendment, as proposed, addresses the concerns of the health, safety, and welfare of the community arising out of the breeding, boarding, and training of horses and riders within the village. It’s designed to eliminate or address the issues of nuisance as well as traffic and safety for residences [sic] of the village.”
 - (iii) Further, the current text of the Village Code, including Ordinance 14-19, incorporates the following restrictions to promote and protect the public health, safety, morals, convenience and the general welfare of the people in Barrington Hills:
 - (1) Limitations on the hours of operation:
 - (A) The hours of operation for horse boarding and training facilities are limited from 6:00 a.m. to 9:00 p.m., or 30 minutes past dusk, whichever is later. (Village Code 5-3-4(A)(2)(a)(i)(a)).

- (B) The permissible hours for receiving instruction is limited to 7:00 a.m. until 8:30 p.m., or dusk, whichever is later. (Village Code 5-3-4(A)(2)(a)(i)(b)).
 - (C) The hours for use of machinery on boarding and training properties is limited to 7:00 a.m. to 9:00 p.m. (Village Code 5-3-4(A)(2)(a)(i)(c)).
- (2) Barns are required to have animal waste management protocols consistent with Section 7-2-5 of the Village Code, which makes it unlawful to (A) pile manure closer than 100 feet from the property line, (B) permit manure to accumulate for more than one week except in the months of December through March at any location within 350 feet of the nearest dwelling house of another, and (C) to permit manure to accumulate within 100 feet of a watercourse, lake, or pond if surface drainage is from the point of accumulation to said body of water. (Village Code 5-3-4(A)(2)(a)(iii).)
 - (3) Lighting for barns, stables, and arenas cannot be directed anywhere other than the horse boarding property, and there shall be no direct illumination of any adjacent property from such lighting. Further lighting must comport with Section 7-1-5 of the Village Code, which does not allow: (A) flickering, flashing, blinking or rotating lights, except as part of a security system; (B) lasers and searchlights; (C) the illumination of any outdoor recreational areas; or (D) outdoor luminaries or lighting systems that directly illuminate beyond a lot line. (Village Code 5-3-4(A)(2)(a)(iv).)
 - (4) Nuisance causing activities, including those set forth in Section 7-1 of the Village Code, and frequent or habitual noisy conduct, which is defined as noise which can be heard continuously within an enclosed structure off the property of the boarding facility for more than fifteen minutes, are prohibited. (Village Code 5-3-4(A)(2)(a)(v).)
 - (5) The number of boarded horses are limited to two boarded horses per zoning lot acre on properties ten acres or larger. (Zoning Code 5-3-4(A)(2)(a)(vi).) Properties smaller than ten acres may only have one horse per zoning lot acre. (Village Code 5-3-4(D)(c)(8).)
 - (6) Horse boarding properties must ensure traffic associated with horse boarding, or other agricultural operations is reasonably minimized. (Village Code 5-3-4(A)(2)(a)(vii).)
 - (7) Horse boarding properties are required to provide indoor toilets for employees, boarders, and riders. (Village Code 5-3-4(A)(2)(a)(viii).)

- (8) Horse boarding properties are required to comply with the maximum floor area ratio requirements for single family detached dwellings as set forth in Section 5-5-10-1 of the Village Code. (Village Code 5-3-4(A)(2)(a)(ix).) R-1 properties are restricted to a maximum floor area ratio of 0.05 times the lot area. Thus, horse boarding facilities are restricted to 0.05 times the lot area. (Village Code 5-3-4(A)(2)(a)(ix); Village Code 5-5-10-1.)
- (iv) The proponent of the Drury Amendment has set forth no evidence explaining why or how these restrictions do “not promote or protect the public health, safety, morals, convenience and the general welfare of the people.”
- (b) The proponent fails to explain his statement that “Current Text allowing Commercial Use as a right on Residential R-1 Zoned property throughout the Village does not reflect their best use, nor does it conserve and enhance their value.”
 - (i) First, the current Village Code does not make any distinction between “commercial” and non-commercial horse boarding.
 - (ii) Second, Ordinance 14-19 added the right “to board[] and train[] [] horses and riders” to the definition of Agriculture under the Village Code. (Village Code 5-2-1.) It did not add any other “commercial uses” to an R-1 property owner’s rights.
 - (iii) Third, and most importantly, the proponent puts forth no evidence demonstrating why the right to board horses on residential property does not “reflect [the property’s] best use,” or how such a use fails to “conserve and enhance” residential property values.
- (c) The proponent fails to explain how the Current Text “only invites development” or how such development “leads to congestion and places a potential tax burden on all Village property owners to pay for addition of services by the Village to support such development.”
 - (i) The proponent has put forth no evidence demonstrating what development has been “invited” since the enactment of Ordinance 14-19. In fact, the proponent has put forth no evidence showing an increase in the development of horse boarding stables and barns throughout the Village since the enactment of Ordinance 14-19.
 - (ii) The proponent has also failed to put forth any evidence in support of his allegation that such development will lead to an increased tax burden.
- (d) The proponent wholly fails to explain how “allowing barns larger than homes” “does not ensure maximum living and working conditions” or how it “can contribute to blight and slums in an economic downturn.”

- (i) First, the Village Code states that “maximum living and working conditions” are ensured by “preventing overcrowding of land with buildings.” (Village Code 5-1-2(D).) In accordance with preventing the overcrowding of land, the current Village Code requires that all structures on R-1 properties, including horse boarding facilities and stables, not exceed a floor area ratio of 0.05 times the lot area. (Village Code 5-3-4(A)(2)(a)(ix); 5-5-10-1.) Thus, regardless of whether a barn exceeds the size of a home, it is still restrained by the same size requirements as other buildings located on R-1 properties in the Village. The proponent has presented no evidence demonstrating that the Village’s current floor area ratio for R-1 properties leads to overcrowding.
 - (ii) Second, horse boarding has been occurring in this Village for more than the past twenty years, including during the 2008 economic crisis. Yet, petitioner has cited no example of any boarding facility contributing to blight or slums during any economic downturn, much less the most recent one.
- (e) The proponent’s statement that “Current Text . . . does not call for any controls over structures” is inaccurate. The Village Code currently includes standards for lighting used in horse boarding facilities and structures, *see* Zoning Code 5-3-4(A)(2)(a)(iv), and for the maximum floor ratio of any horse boarding structures, *id.* at (A)(2)(a)(ix).
- (f) The proponent’s comment regarding Village Code Section 5-1-2(G), which states, “Current Text has no restrictions relative to commercial structures,” is nonsensical.
- (i) First, Village Code Section 5-1-2(G), referred to in the aforementioned statement, states that the Zoning Ordinance “[was] adopted for the following purpose[]: (G) to prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereinafter.”
 - (ii) In accordance with Section 5-1-2(G), the current Village Code contains limitations and restrictions for horse boarding operations and facilities, which are set forth in Village Code 5-3-4(A)(2)(a)(i)-(ix). These restrictions apply to “commercial” boarding structures and non-commercial boarding structures alike, as Ordinance 14-19 did not distinguish between commercial and non-commercial boarding operations.
- (g) The proponent’s statement that the “Current Text invites substantial intrusion of commercial operations in the Village without consideration to the impact of the total number of horses allowed on properties and commercial development therein, which could have a deleterious effect on contamination of ground water, and does not preserve the character of the community and preserve the area as a

green belt area and can contribute to higher density uses and lead to the ecological evils of urbanization.” is inaccurate.

- (i) First, the current Village Code limits the number of horses each boarding operation is allowed to board relative to the boarding operation’s total property size. *See* Village Code 5-3-4(A)(2)(a)(vi); Village Code 5-3-4(D)(3)(c)(viii).
 - (ii) Second, there is no provision in Ordinance 14-19, which allows for “commercial development.”
 - (iii) Third, to the extent the proponent is concerned with groundwater contamination, the Village Code has regulations regarding waste management, *see* Village Code 7-2-5, which apply to all horse boarding operations, Village Code 5-3-4(A)(2)(a)(iii), and regulations prohibiting nuisances, Village Code 7-1 and 5-3-4(A)(2)(a)(v). Further, there are also state and federal laws that protect against groundwater contamination. (*See, e.g.,* 415 ILCS 55/1 *et seq.*; 33 U.S.C. §1251 *et seq.*)
 - (iv) Fourth, as evidenced on both the Village’s website, and in its Comprehensive Plan, the Village of Barrington Hills considers itself an equestrian community. (*See* Village Website, at <http://www.barringtonhills-il.gov/index.html> (“The Village of Barrington Hills: A unique rural equestrian community.”); Village of Barrington Hills Comprehensive Plan, at 9, (“Barrington Hills is a community of residents acting as stewards for a quiet, secure and natural environment, . . . which supports the long term, sustainable use of property for equestrian-oriented, open countryside living.”).) Thus, it is inaccurate to state that Code provisions allowing for regulated equestrian operations, such as horse boarding, “do[] not preserve the character of the community.”
 - (v) Finally, the proponent provides no support for his assertion that horse boarding will contribute to “higher density uses and lead to the ecological evils of urbanization.”
- (h) The proponent’s statement that “Current Text, given the retroactivity clause of the legislation and no identification of additional operators of large boarding facilities by the Village, was enacted for the benefit of one property owner and not for the mutual benefit of all,” is directly contradicted by the number of residents speaking out in support of the current Village Code at the Village Zoning Board of Appeals public hearing held on August 1, 2016.
- (i) The proponent’s statement that the “Current Text allows throughout the Village potentially nuisance-producing commercial uses” is incorrect. To the contrary, the current Village Code and the text of Ordinance 14-19 expressly prohibit nuisance causing activities, including those related to horse boarding—whether commercial or non-commercial. (Village Code 5-3-4(A)(2)(a)(v); Village Code 7-1.)

- (j) The proponent’s statement that the “Commercial Text does not impose any controls on commercial buildings” is inaccurate. As stated above, the text of Ordinance 14-19 contains limitations and restrictions for horse boarding operations and facilities, which are set forth in Village Code 5-3-4(A)(2)(a)(i)-(ix). These restrictions are imposed on “commercial” and non-commercial horse boarding facilities and buildings. *Id.*
- 3. Because these unsupported statements wholly fail to satisfy Mr. Drury’s burden to “give specific evidence to demonstrate that the applicant’s proposal meets the standards of the zoning ordinance for the text amendment requested,” the Zoning Board of Appeals should not vote in favor of this proposed amendment. Village of Barrington Hills Zoning Board of Appeals, August 1, 2016 Minutes, at 19:4-10.



Fwd: [Request#20121015101406] FOIA Request via Website

Pauline Boyle <daydreampauline@yahoo.com>

Mon, Aug 15, 2016 at 8:28 AM

To: Bob Kosin <rkosin@barringtonhills-il.gov>, Village Clerk <clerk@barringtonhills-il.gov>, Mary Dickson <marydickson@bond-dickson.com>, sean Conway <seanconway@bond-dickson.com>, Daniel Wolfgram <dwolfgram@barringtonhills-il.gov>, Jan Goss <JanGoss@mac.com>, Lake County State's Attorney <statesattorney@lakecountyil.gov>, Jim Drury <jdrury@jdrurypartners.com>

As you can see the issue had been ongoing for years and the village board and administration has refused to take appropriate action....

Pauline Boyle

Begin forwarded message:

From: Joseph Messer <jmesser@barringtonhills-il.gov>

Subject: Re: Fw: [Request#20121015101406] FOIA Request via Website

Date: November 25, 2012 at 9:24:09 PM CST

To: Pauline Boyle <daydreampauline@yahoo.com>

Ms. Boyle -

I'm sorry that you don't feel it would be worthwhile for us to get together and for you to show me the situation causing your concern. Can you tell me if there are any manure piles located on the St. Mark's property within 100 feet of your property line? Under 7-2-5 (A) of the Village Code it is impermissible for a property owner to have a manure pile within 100 feet of their neighbor's property line.

Thank you.

On Fri, Nov 23, 2012 at 6:51 AM, Pauline Boyle <daydreampauline@yahoo.com> wrote:

Instead of this ridiculous going back and forth just what is the reason you need to be here in the first place? My property is being contaminated from an uphill source both of which are owned by the St. Mark's cult. I have provided you the lab reports of consistent feces contamination with and without the presence of horses on those properties as well as other pertinent documentation also copied to federal sources. Dan Strahan has skewed his answers in favor of Abboud whose father is a member of that non for profit and I have provided you this documentation also - so his determinations are worthless. What is it you and this village intend to do about this issue - besides the vindictive actions you intend to partake in your 2012 road programs?

So getting back to the original issue - you said you would look into the situation and you have not. My initial question - where is the contamination or shall we just call it shit - coming from? Please do not cite Strahan, Lake County Health Dept, or any other corrupted organization or governmental entity Abboud thinks will cover for him this time. (Because they will not) The village is whom I'd like action from. What are you going to do?

Pauline Boyle

If you so believe a visit is necessary drive to my property, park on the apron and look to the north pasture - which nothing will grow because of the contamination. The same topography exists on the south - there is not brown spot where no vegetation will grow on that side. The difference - St. Marks and their mean spirited directive of their faulty septic systems and unauthorized filling of wetland forwarding any contaminated stormwater my way. You do not need to visit this property to do that.

From: Joseph Messer <jmesser@barringtonhills-il.gov>

To: Pauline Boyle <daydreampauline@yahoo.com>

Sent: Tuesday, November 20, 2012 8:53 PM

Subject: Re: Fw: [Request#20121015101406] FOIA Request via Website

Pauline -

Submitted by Pauline Boyle

Please let me know some dates that work for you.

Thanks.

On Thu, Nov 15, 2012 at 8:39 PM, Pauline Boyle <daydreampauline@yahoo.com> wrote:

Last minute scheduling regarding issues with my deceased husband have arisen. Both Tuesday and Wednesday are no longer available for me - can we postpone until after Thanksgiving?

Thanks
Pauline

From: Joseph Messer <jmesser@barringtonhills-il.gov>

To: Pauline Boyle <daydreampauline@yahoo.com>

Sent: Thursday, November 15, 2012 8:20 PM

Subject: Re: Fw: [Request#20121015101406] FOIA Request via Website

Pauline -

I'm sorry that I was unable to make it on Wednesday. The case I've been working on didn't settle and I've been extremely busy dealing with it. Looking at the calendar I'd say next Tuesday afternoon would work better than next Wednesday afternoon since that would be Thanksgiving eve. Please let me know if next Tuesday afternoon would work for you.

Thanks.

On Fri, Nov 9, 2012 at 7:37 AM, Joseph Messer <jmesser@barringtonhills-il.gov> wrote:

Great. I will let you know if I can make it next Wednesday afternoon. If not we will schedule for the following Tuesday or Wednesday. It will be just me.

Thanks.

On Fri, Nov 9, 2012 at 7:23 AM, Pauline Boyle <daydreampauline@yahoo.com> wrote:

As of today all of the dates you mentioned are good. Decide what is most convenient to you. Also will you be alone or have a village employee attending?

Thanks
Pauline

From: Joseph Messer <jmesser@barringtonhills-il.gov>

To: Pauline Boyle <daydreampauline@yahoo.com>

Sent: Friday, November 9, 2012 7:12 AM

Subject: Re: Fw: [Request#20121015101406] FOIA Request via Website

Sorry for the delay in responding. How does late in the afternoon on Tuesday, November 20 or Wednesday November 21 look for you? There is also a possibility that I could get there during the afternoon of this Wednesday, November 14 depending on whether I am able to settle a case I'm working on.

On Tue, Nov 6, 2012 at 7:43 AM, Pauline Boyle <daydreampauline@yahoo.com> wrote:

Why don't you supply me with some dates that are convenient with you and I will accommodate? Thanks

Pauline Boyle

From: Joseph Messer <jmesser@barringtonhills-il.gov>

To: Pauline Boyle <daydreampauline@yahoo.com>

Sent: Monday, November 5, 2012 8:58 AM

Submitted by Pauline Boyle

Subject: Re: Fw: [Request#20121015101406] FOIA Request via Website

Ms. Boyle -

I am currently out of town and won't return until Wednesday. Then I leave town again and won't return until late the following Monday. Is there some time later during the week of November 11 that would work for you?

On Sun, Nov 4, 2012 at 8:12 AM, Pauline Boyle <daydreampauline@yahoo.com> wrote:

Thank you for responding.

This week I am available today Sunday after noon. Monday late afternoon, and Tuesday - Thursday at your convenience. Please let me know what is convenient for you.

Regards
Pauline

From: Joseph Messer <jmesser@barringtonhills-il.gov>
To: Pauline Boyle <daydreampauline@yahoo.com>
Sent: Saturday, November 3, 2012 1:56 PM
Subject: Re: Fw: [Request#20121015101406] FOIA Request via Website

Ms. Boyle -

I have reviewed the documents that you sent me. I apologize for the delay in responding, but when your email arrived back in July the attachments cause it to be blocked by my firewall. After receiving your below email I reviewed my historic emails and was able to retrieve it and open the attachments.

If possible I would like to get together with you to discuss the matter. I think it would be best if we could meet at your property so you could show me the area that is prone to flooding. Please let me know some dates and times that would work for you. From my standpoint it would be preferable if we could meet in the late afternoon or on a weekend.

Thanks and I look forward to hearing back from you soon.

On Fri, Nov 2, 2012 at 9:08 AM, Pauline Boyle <daydreampauline@yahoo.com> wrote:

Dear Mr. Messer,

I requested your follow up regarding our conversation at the July BOT meeting via a Foia request. Mr. Kosin, paid with our tax dollars, chose to forward unrelated documents that does not address the present situation and what actions YOU have taken. The documentation I provided to you more than substantiates existing issues and this email was also forwarded to various Federal and State agencies as was indicated.

I am asking you, Mr. Messer - what steps you initiated and what communications evolved regarding the contamination and flooding of my property relative to my July email to you. I am also requesting copies of such? If you chose to take no action - then please put that in writing. Please note I am forwarding a copy of this email to various Federal Law Enforcement Agencies and State Agencies as well.

I await your reply.

Pauline Boyle

Below is the reply by Mr. Kosin - please note how he cuts and pastes what issues he wished to address and not the entire foia request. I have also attached a copy of the original foia request.

Submitted by Pauline Boyle

----- Forwarded Message -----

From: FOIA Administrator <foia@barringtonhills-il.gov>

To: daydreampauline@yahoo.com

Sent: Friday, October 19, 2012 4:59 PM

Subject: Re: [Request#20121015101406] FOIA Request via Website

Dear Ms. Boyle,

I write in response to your request to provide records pertaining to "the issue of flood and stormwater contamination on my property" being 315 Ridge Road. A routine search did not retrieve or locate the responsive records and pursuant to the provisions of 5 ILCS 140/3e (iv) for which then a time of five (5) additional days will be used in this request.

Your accommodation of this request is appreciated.

Sincerely,

Robert Kosin
FOIA Officer

10/15/2012 09:15 - daydreampauline@yahoo.com wrote:

> Original FOIA Request:

>

> At the July 23, 2012 Board of Trustee meeting - during public comment I asked Trustee Messer to look into the issue of flood and stormwater contamination on my property. Messer asked that I send him my documentation and that he would look into it. I am requesting any and all communications, reports, texts, emails etc regarding follow up of this issue including that with any/all federal agencies, county agencies and state agencies.

>

>

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.

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Submitted by Pauline Boyle

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Village Clerk <clerk@barringtonhills-il.gov>

Fwd: Complaint of noxious odor of feces and/or manure

Pauline Boyle <daydreampauline@yahoo.com>

Mon, Aug 15, 2016 at 8:06 AM

To: Bob Kosin <rkosin@barringtonhills-il.gov>, Village Clerk <clerk@barringtonhills-il.gov>, Daniel Wolfgram <dwolfgram@barringtonhills-il.gov>, Jan Goss <JanGoss@mac.com>, Mary Dickson <marydickson@bond-dickson.com>, sean Conway <seanconway@bond-dickson.com>, Lake County State's Attorney <statesattorney@lakecountyil.gov>, Jim Drury <jdrury@jdrurypartners.com>

A complaint from last year - although a police report was filed I did have this issue documented by other residents of Barrington Hills that will confirm the stench of manure was present.....

Pauline Boyle

Begin forwarded message:

From: Building Dept <building-dept@barringtonhills-il.gov>

Subject: Fwd: Complaint of noxious odor of feces and/or manure

Date: March 12, 2015 at 12:10:36 PM CDT

To: "St. Mark's Church" <StMarks337@gmail.com>

Cc: Pauline B <daydreampauline@yahoo.com>

Be advised that Ms. Boyle at 315 Ridge has filed many complaints about the keeping of horses at 335 Ridge. I will forward any future complaints to you for your consideration.

Thank you.

Building Department
Village of Barrington Hills
Direct: [847-551-3003](tel:847-551-3003)

On Wed, Mar 11, 2015 at 4:01 PM, Pauline Boyle <daydreampauline@yahoo.com> wrote:

Please consider this an official complaint - the stench coming from the property next door namely 335 Ridge Road is unbearable. I would appreciate the village sending out an someone to cite the appropriate ordinance.

I also respectfully request that the village police send an officer to document same.
Thank you

Pauline Boyle
315 Ridge Road

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.

Submitted by Pauline Boyle



Fwd: Complaint

Pauline Boyle <daydreampauline@yahoo.com> Mon, Aug 15, 2016 at 8:13 AM
To: Bob Kosin <rkosin@barringtonhills-il.gov>, Mary Dickson <marydickson@bond-dickson.com>, sean Conway <seanconway@bond-dickson.com>, Village Clerk <clerk@barringtonhills-il.gov>, Daniel Wolfgram <dwolfgram@barringtonhills-il.gov>, Jan Goss <JanGoss@mac.com>, Lake County State's Attorney <statesattorney@lakecountyil.gov>, Jim Drury <jdrury@jdrurypartners.com>

Begin forwarded message:

From: Building Dept <building-dept@barringtonhills-il.gov>

Subject: Complaint

Date: August 28, 2014 at 11:05:59 AM CDT

To: Pauline B <daydreampauline@yahoo.com>, Dan Strahan <dstrahan@gha-engineers.com>, Robert Kosin <rkosin@barringtonhills-il.gov>

Please consider this a formal complaint - the property next door - 335 Ridge Road has moved their horses to the small pasture directly next to my property and uphill to my property. Most likely to accommodate the septic moving. I can also see that manure was spread on this pasture as a way of removal. In either case whichever action is responsible - the resultant stench is unbearable. This has been going on for several days and does not seem to subside.

With all the issues our village has to face I find it odd that this simple issue is never addressed adequately. To think that spreading fresh manure on an uphill property is not going to effect a neighboring property is silly. This is common sense for most.

I expect the proper procedure to be taken regarding this complaint. You may wish to look at the pond at that property again - one can only assume that if you are irresponsible enough to remove your manure improperly - dumping it into the pond would also be a consideration. Perhaps consideration of a bond requirement for horse boarding is in order for those who continually break our rules and codes.

Following a visit to the site, I spoke with Jeanna Erdman of St. Marks Church. Ms. Erdmann assured me that they did not spread manure other than what was deposited by the horses in the pasture. Apparently, the Church churns the droppings to evenly distribute the waste. In any case, the Church has been made aware of your concerns and will be more respectful in the future.

Thank you.

Don Schuman.

Building Department
Village of Barrington Hills
112 Algonquin Road
Barrington Hills, IL 60010-5199
Direct: 847-551-3003
Fax: 847-551-3050

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.



Fwd: flooding at 315 Ridge Road

Pauline Boyle <daydreampauline@yahoo.com>

Mon, Aug 15, 2016 at 8:24 AM

To: Bob Kosin <rkosin@barringtonhills-il.gov>, Village Clerk <clerk@barringtonhills-il.gov>, Mary Dickson <marydickson@bond-dickson.com>, sean Conway <seanconway@bond-dickson.com>, Daniel Wolfgram <dwolfgram@barringtonhills-il.gov>, Jan Goss <JanGoss@mac.com>, Lake County State's Attorney <statesattorney@lakecountyil.gov>, Jim Drury <jdrury@jdrurypartners.com>

Begin forwarded message:

From: "Michael Murphy" <mmurphy@vbhpd.net>

Subject: RE: flooding at 315 Ridge Road

Date: April 22, 2013 at 9:26:39 AM CDT

To: "Pauline Boyle" <daydreampauline@yahoo.com>

Thank you!

From: Pauline Boyle [<mailto:daydreampauline@yahoo.com>]

Sent: Monday, April 22, 2013 8:14 AM

To: Bob Kosin; Skip Gianopulos; Patty Meroni; Michael Murphy; J Messer

Subject: Re: flooding at 315 Ridge Road

To update the village administration - I received a call from the lab that tested the standing stormwater overflow from 335 Ridge Road late Friday stating that the water was contaminated with fecal matter and to keep all domestic pets away from the area.

To Chief Murphy - when I receive the written reports I will forward to you so that these documents can be attached to the report.

Thank you
Pauline Boyle

From: Pauline Boyle <daydreampauline@yahoo.com>

To: Bob Kosin <rkosin@barringtonhills-il.gov>; Skip Gianopulos <sgianopulos@kovitzinvestment.com>; Patty Meroni <pmeroni@barringtonhills-il.gov>; Michael Murphy <mmurphy@vbhpd.net>; J Messer <jmesser@barringtonhills-il.gov>

Sent: Thursday, April 18, 2013 10:55 AM

Subject: re: flooding at 315 Ridge Road

I am attaching once again photos of the extreme flooding of my property originating from the pond overflow at 335 Ridge Road. As you can clearly see this has been much more severe than the July 2011 floods - I believe the amount of rainfall to be close if not the same. In September of last year I was given permission by Mrs. Micek to photograph her property, the adjacent pond and search for draintile with radar. At that time I observed, along with other professionals that the Miceks had altered the terrain of the land dramatically by building berms so that the natural flow of the 335 pond - west to east - could no longer occur. This by comparison of photos from Stormwater Mgmt and other sources. Village code strictly views this as a violation but as we all know - in the past the village had flatly refused to enforce their own codes especially when it comes to me and my property.

Submitted by Pauline Boyle

Please be aware you are informed of this violation. If you wish further photos I would be

happy to supply. I am also asking for documentation of flooding of my property by the Barrington Hills Police Department - along with associated photos. If you choose to ignore this request please do so in writing.

I am respectfully requesting documentation of the flooding on my property as such;

- the north end which includes the pond overflow from 335 Ridge Road. As you can see this time the water has flooded inside the barn so additional manure will now come my way. Once again I will have the water tested as recent horse boarding of 5 horses on this small area of pasture will most certainly document the contamination of my property of fecal matter. For your information I will not be using the same company as before - I understand Dan Strahan has spoken to them. Draw your own conclusions.

- the south end of my property is now flooded due to the overflow of the catch basins of the Traszka's property situated in McHenry county. This public works project is inadequate and has been documented before. I also understand that Kosin mentioned at some bot meeting that this issue will certainly cause the collapse of Ridge Road due to the inadequate catch basins. I find it incomprehensible that you place human lives and safety behind foolish retribution.

This looks intentional to many.....including me.

Kindest regards
Pauline Boyle



Fwd: Floodng issues 315 Ridge Road

Pauline Boyle <pboyle4980@gmail.com>

Mon, Aug 15, 2016 at 8:50 AM

To: Bob Kosin <rkosin@barringtonhills-il.gov>, Village Clerk <clerk@barringtonhills-il.gov>, Mary Dickson <marydickson@bond-dickson.com>, sean Conway <seanconway@bond-dickson.com>, Daniel Wolfgram <dwolfgram@barringtonhills-il.gov>, Jan Goss <JanGoss@mac.com>, Lake County State's Attorney <statesattorney@lakecountyil.gov>, Jim Drury <jdrury@jdrurypartners.com>

As you can clearly see the non compliance goes back to 2010 - and continues. What matters most about the zoning amendment is whether or not it will be enforced or not. And that enforcement applies to all residents equally - which obviously has not happened in the past. How do you intend to rectify this? Obviously the owners of 335 Ridge - aka St. Marks church are given carte blanche. As was evidenced in the going hearing wherein they were allowed to violate the FAR.

Pauline Boyle

Begin forwarded message:

From: Pauline Boyle <pboyle315@sbcglobal.net>

Subject: Re: Floodng issues 315 Ridge Road

Date: February 3, 2010 at 1:45:04 PM CST

To: "Vail, Vanessa" <vvail@atg.state.il.us>

Dear Ms. Vail,

Thank you so much for responding. Regarding the follow up of the property at 337 Ridge Road. I have always ascertained for the past 7 years that the previous owner dumped their horse manure into the pond located near the barn. Your post clean up photos never addressed this issue because the water was never tested. The reason it is now a drainage issue is because of the manure in the pond. That pond has been filled in - filled in with horse manure which does indeed make it a pollution issue. I am at a loss as to why this cannot be addressed properly as I believe it to be within the scope of your jurisdiction. Thank you for your time - would you be so kind as to respond to my inquiry.

Regards
Pauline Boyle

From: "Vail, Vanessa" <vvail@atg.state.il.us>

To: Pauline Boyle <pboyle315@sbcglobal.net>

Sent: Wed, February 3, 2010 1:19:20 PM

Subject: RE: Floodng issues 315 Ridge Road

Ms. Boyle,

According to information provided by Illinois EPA, an inspection was conducted at the 337 Ridge Road facility in Barrington Hills on April 8, 2009. Based on the Agency's findings, a non-compliance advisory letter was sent to St. Mark's Episcopal Church advising the property owner of the apparent violations of the Illinois Environmental Protection Act (the Act), the Illinois Pollution Control Board Rules and Regulations, Title 35, Subtitle C, Water Pollution, CHAPTER I (Subtitle C) and the Subtitle E: Agricultural Waste Regulations (Subtitle E) and recommendations for your consideration in dealing with the violations. The property appears to have been cleaned up based on post clean-up photos the facility provided to the Illinois EPA in response to the Agency's findings.

I recently followed up with Illinois EPA to determine the status of this property, and was informed that because the problem now appears to be a drainage issue rather than a pollution issue, it is not within Illinois EPA's jurisdiction. As such, I have reached out to the Village of Barrington Hill's who informed me that their engineer will be contacting you to discuss your flooding issues. If you do not hear from the Village of Barrington Hills, please let me know.

Thank you,

Vanessa

Submitted by: Pauline Boyle

Vanessa A. Vail
Assistant Attorney General
Environmental Bureau
t: 312.814.5361

P Please consider the environment before printing this e-mail

From: Pauline Boyle [<mailto:pboyle315@sbcglobal.net>]

Sent: Tuesday, February 02, 2010 12:39 PM

To: Vail, Vanessa

Subject: Flooding issues 315 Ridge Road

Dear Ms. Vail,

We last were in communication in December of 2009 and I have left a phone message for you last week. I am writing with regards to my initial complaint regarding flooding and wish to know the status. Would you be kind enough to call or email me regarding this issue? I thank you in advance for your cooperation regarding this matter.

Regards,
Pauline Boyle
315 Ridge Road
Barrington Hills, IL 60010
[847-277-1143](tel:847-277-1143)



Fwd: Photos of 335 Ridge Road

Pauline Boyle <daydreampauline@yahoo.com>

Mon, Aug 15, 2016 at 8:40 AM

To: Bob Kosin <rkosin@barringtonhills-il.gov>, Village Clerk <clerk@barringtonhills-il.gov>, Mary Dickson <marydickson@bond-dickson.com>, sean Conway <seanconway@bond-dickson.com>, Daniel Wolfgram <dwolfgram@barringtonhills-il.gov>, Lake County State's Attorney <statesattorney@lakecountyil.gov>, Jan Goss <JanGoss@mac.com>, Jim Drury <jdrury@jdrurypartners.com>

Plenty of complaints have been forwarded and I have many many more. I will attempt to send some photos that will confirm manure piles were in violation of village code - more importantly the 100 foot property line accumulation.

Pauline Boyle

Begin forwarded message:

From: Jameschammond@aol.com

Subject: Re: Photos of 335 Ridge Road

Date: December 22, 2011 at 7:52:41 PM CST

To: daydreampauline@yahoo.com

Pauline,

Whatever you are advised to do or actually do, keep in mind that current Village Code states the following:

7-2-5: MANURE PILES:

It shall be unlawful to:

(A) Pile manure from horses or ponies, or permit it to accumulate, closer than one hundred feet (100') from the property line of the property on which a horse is kept.

(B) Permit a pile or accumulation of manure for more than one week except in the months of December through March inclusive at any location within three hundred fifty feet (350') of the nearest dwelling house of another.

(C) Pile manure or permit it to accumulate within one hundred feet (100') of a watercourse, lake or pond if surface drainage is from the point or area of accumulation to said body of water; this provision shall not authorize or legalize the piling or accumulation of manure at any closer location in violation of any other law, ordinance or regulation of the Village. (Ord. 75-11, 11-24-1975)

I've been out most of the day, so let me think a little more about how to approach this. If I don't get back to you in time, have a very Merry Christmas.

Jim

In a message dated 12/22/2011 10:03:59 A.M. Central Standard Time, daydreampauline@yahoo.com writes:

Take a closer look at full compliance. The larger pasture photos show the hoof prints of horses - would a reasonable person deduce that if the pasture had been 'topped' - the area would have no divits and would be relatively smooth? The other photos are self explanatory - to narrate the pasture is full of horse turds.....

.....so where do I start? Village, IEPA, Health Dept.....suggestions?

Pauline



Fwd: standing water at 315 Ridge Road

Pauline Boyle <daydreampauline@yahoo.com>

Mon, Aug 15, 2016 at 8:44 AM

To: Bob Kosin <rkosin@barringtonhills-il.gov>, Village Clerk <clerk@barringtonhills-il.gov>, Mary Dickson <marydickson@bond-dickson.com>, sean Conway <seanconway@bond-dickson.com>, Daniel Wolfgram <dwolfgram@barringtonhills-il.gov>, Jan Goss <JanGoss@mac.com>, Lake County State's Attorney <statesattorney@lakecountyil.gov>, Jim Drury <jdrury@jdrurypartners.com>

The photo clearly shows 'algae bloom' indicating fecal matter.

Pauline Boyle

Begin forwarded message:

From: "Skip Gianopulos" <sgianopulos@barringtonhills-il.gov>

Subject: RE: standing water at 315 Ridge Road

Date: July 29, 2011 at 9:14:27 AM CDT

To: "Pauline Boyle" <daydreampauline@yahoo.com>

Cc: "Patty Meroni" <pmeroni@barringtonhills-il.gov>, <meronilaw@ameritech.net>, "Bob Kosin" <rkosin@barringtonhills-il.gov>

Ms. Boyle, Thank you for bringing this matter to my attention, I will I will drive by your property in the next day or two. I have copied Trustee Meroni and Village Administrator, Bob Kosin as they may have some additional thought on resolving this situation.

Harold (Skip) Gianopulos, Jr.
Trustee
Village of Barrington Hills
112 Algonquin Road
Barrington Hills, IL 60010

Phone: (847) 551-3000
Fax: (847) 551-3050
Cell: (312) 505-2173
www.barringtonhills-il.gov

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

From: Pauline Boyle [<mailto:daydreampauline@yahoo.com>]

Sent: Friday, July 29, 2011 9:03 AM

To: Skip Gianopulos

Subject: standing water at 315 Ridge Road

Submitted by Pauline Boyle

Dear Skip,

I am including a photo of the standing water on my property located at 315 Ridge Road. This water is stormwater overflow from the pond located at 335 Ridge Road. This email is informative in nature as to the size and amount of flooding that occurs due to the lack of maintenance of drain tile at the 335 Ridge Road address which was/is a previous public project . I respectfully ask that you visit this area to view not only the size of the flooding area but also the repulsive stench that is occurring. My dogs are ill and we are nauseous and have headaches. I believe this problem contributes significantly to my heart and breathing issues. As you may know horses are boarded at that address - the land is uphill and I have never noticed any attempt at cleanup from the horses. Also I have photos of a bobcat building horse manure piles to prevent flooding of their barn - which further directs manure water my way.

I send you this email because prior to the election Ms. Meroni stated she would look into this situation. I have heard nothing. I also have been told by residents that Ms. Meroni does not return phone calls - that is why this complaint is directed to you. I then have documentation that I have repeatedly complained about this issue to no avail. Also the village does not list email addresses for any trustee for direct contact - so much for open and transparent government. Feel free to forward this information to Ms. Meroni - I welcome contact via email.

Thank you for your time and feel free to contact me should you decide to view my property - invite Ms. Meroni and bring a face mask.

Sincerely
Pauline Boyle
35 Ridge Road
Barrington Hills





Fwd: Violations 335 Ridge Road

Pauline Boyle <daydreampauline@yahoo.com> Mon, Aug 15, 2016 at 8:09 AM
To: Bob Kosin <rkosin@barringtonhills-il.gov>, Mary Dickson <marydickson@bond-dickson.com>, sean Conway <seanconway@bond-dickson.com>, Village Clerk <clerk@barringtonhills-il.gov>, Daniel Wolfgram <dwolfgram@barringtonhills-il.gov>, Jan Goss <JanGoss@mac.com>, Lake County State's Attorney <statesattorney@lakecountyil.gov>, Jim Drury <jdrury@jdrurypartners.com>

Begin forwarded message:

From: Building Dept <building-dept@barringtonhills-il.gov>
Subject: Re: Violations 335 Ridge Road
Date: December 16, 2014 at 12:25:34 PM CST
To: Pauline Boyle <daydreampauline@yahoo.com>

I visited the site this morning. I met with a gentleman named Victor (first name). Victor informed me that he was removing manure from the paddock. I observed a pile of manure that was awaiting removal. The area being cleaned was less than 1,000 square feet and it was not at the low point of the area. Victor stated that one load was already removed.

I did not observe any violation of Village ordinances.

Thank you.

Don Schuman

Building Department
Village of Barrington Hills
112 Algonquin Road
Barrington Hills, IL 60010-5199
Direct: 847-551-3003

On Tue, Dec 16, 2014 at 8:51 AM, Pauline Boyle <daydreampauline@yahoo.com> wrote:

At this very moment (8:45am) there is a bobcat moving soil/? at 335 Ridge Road - at the rear of the property between the barn and the house - closer to the barn. This area effects the stormwater overflow and contaminated water that they direct onto my property.

As you know this area floods my property and has a history of altering the land to do so. I believe this is happening again. Also last night at about 9:30pm a diesel truck was delivering or working in the barn which is a violation of working hours for commercial horse boarders.

I ask that you send a reliable and non partlsan person to look into this matter - that would exclude Kosin and Strahan. You may wish to document manure management at that property also.

I also will be sending you additional documentation of another neighbor who has altered their land and adds tremendously to the flooding and contamination of my property.

Thank you
Pauline Boyle



photos re horse manure contamination

Pauline Boyle <daydreampauline@yahoo.com>

Mon, Aug 15, 2016 at 8:16 AM

To: Bob Kosin <rkosin@barringtonhills-il.gov>, Village Clerk <clerk@barringtonhills-il.gov>, Mary Dickson <marydickson@bond-dickson.com>, sean Conway <seanconway@bond-dickson.com>, Daniel Wolfgram <dwolfgram@barringtonhills-il.gov>, Jan Goss <JanGoss@mac.com>, Lake County State's Attorney <statesattorney@lakecountyil.gov>, Jim Drury <jdrury@jdrurypartners.com>

Begin forwarded message:

From: Pauline Boyle <daydreampauline@yahoo.com>

Subject: photos re horse manure contamination

Date: August 13, 2014 at 11:54:19 AM CDT

To: Pauline Boyle <daydreampauline@yahoo.com>

Cc: Martin McLaughlin Mayor <mmclaughlin@barringtonhills-il.gov>, Colleen Konicek <ckonicek@barringtonhills-il.gov>, "J. Messer" <jmesser@barringtonhills-il.gov>, Patty Meroni <pmeroni@barringtonhills-il.gov>, Michael Harrington <mharrington@barringtonhills-il.gov>, Fritz Gohl <fgohl@barringtonhills-il.gov>, Karen Selman <kselman@barringtonhills-il.gov>, Dolores Trandel <clerk@barringtonhills-il.gov>

Reply-To: Pauline Boyle <daydreampauline@yahoo.com>

it glows.....the pond at 335 Ridge





Complaint/reports related to horse boarding, pasture management, contamination etc....

Pauline Boyle <daydreampauline@yahoo.com>

Mon, Aug 15, 2016 at 7:33 AM

To: Bob Kosin <rkosin@barringtonhills-il.gov>, Mary Dickson <marydickson@bond-dickson.com>, sean Conway <seanconway@bond-dickson.com>

Cc: Village Clerk <clerk@barringtonhills-il.gov>, Daniel Wolfgram <dwolfgram@barringtonhills-il.gov>, Lake County State's Attorney <statesattorney@lakecountyil.gov>, Jan Goss <JanGoss@mac.com>, Jim Drury <jdrury@jdrurypartners.com>, Dede Wamberg <dedewamberg@mac.com>

I was a bit shocked this morning to review the most recent post in The Barrington Hills Observer and the corresponding agenda for tonight's zoning meeting. The issue of complaints regarding manure management and contamination was mentioned however as it was indicated there are no complaints regarding manure management and contamination. Although this mention limits the date to 2014 and after - I state to you this is not an adequate representation. I will throughout the day - as time allows search my emails and will forward to you the many many complaints of contamination that have gone unanswered and adequately addressed accordingly by village code and are biased engineer despite my photos, lab reports, and videos. I am sure that if the village administrator does an adequate search of village records - that numerous complaints will be found and the record can be amended in time for tonight's meeting.

I ask that all these documents be forwarded to all members of the ZBA and I will also present a hard copy at tonight's meeting as well. I question the objectivity of some members of the zoning board and how my issue is consistently 'left off the radar' in order to benefit one particular entity. An entity that has been one of the biggest offenders of contamination in this village.

Thank you
Pauline Boyle

Begin forwarded message:

From: Pauline Boyle <daydreampauline@yahoo.com>

Subject: Complaint/reports related to horse boarding, pasture management, contamination etc....

Date: August 13, 2014 at 11:39:47 AM CDT

To: Pauline Boyle <daydreampauline@yahoo.com>

Cc: Martin McLaughlin Mayor <mmclaughlin@barringtonhills-il.gov>, Dolores Trandel <clerk@barringtonhills-il.gov>, "J. Messer" <jmesser@barringtonhills-il.gov>, Fritz Gohl <fgohl@barringtonhills-il.gov>, Patty Meroni <pmeroni@barringtonhills-il.gov>, Karen Selman <kselman@barringtonhills-il.gov>, Bob Kosin <rkosin@barringtonhills-il.gov>, Colleen Konicek <ckonicek@barringtonhills-il.gov>, Michael Harrington <mharrington@barringtonhills-il.gov>

Reply-To: Pauline Boyle <daydreampauline@yahoo.com>

[Quoted text hidden]

4 attachments



St Marks 335 gewalt memo village code violation.pdf
360K



st marks 335 site observation violations.pdf
440K



st marks inspection gewalt.pdf
5229K



St Mark's Episcopal ChurchI EPA Dec2011 report.pdf
2689K

Submitted by Pauline Boyle

SITE OBSERVATION SUMMARY

Village of Barrington Hills – 335 Ridge Road



Date: Thursday, July 11, 2013
Time: 2:30 PM
Location: 335 Ridge Road
Barrington Hills, Illinois

850 Forest Edge Drive, Vernon Hills, IL 60061
TEL 847.478.9700 ■ FAX 847.478.9701

820 Lakeside Drive, Suite 5, Gurnee, IL 60031
TEL 847.855.1100 ■ FAX 847.855.1115

www.gha-engineers.com

Attendees: Ron's Tidy Tank Septic Service
Dan Strahan, GHA Inc.

The Village of Barrington Hills received notice of a suspected septic system failure in the vicinity of the property at 335 Ridge Road. After a recent rainfall event the pond on the property at 335 Ridge flooded onto neighboring properties, and an assertion was made that toilet paper was seen within the ponded area. A septic failure involving sewage discharging onto the ground surface would be in violation of Section 4-2-7(D)-7 of the Village Code. After an initial meeting with the property owner on June 26, the owner made arrangements for Ron's Tidy Tank Septic Service to complete a field locate of the septic system.

White flagging was placed to coincide with the location of the septic field laterals. Based on the determination made by Ron's Septic Service, the septic tank and septic field laterals are located east of the fence line east of the house. Five laterals were located, the first being 65' in length and the remaining four each measuring 75' in length. The ponded water had been pumped down at the time of the site visit, but based on the location it appears that at least three and probably four of the laterals were within the inundated area. A concrete septic tank lid was also visible west of the septic field laterals. Section 4-2-7(D)8(b) of the Village Code prohibits septic systems in areas of flooding, ponding, surface water, etc. As a result the property owner will be notified that the existing septic system will need to be relocated.

During the previous site visit it had been noted that a dumpster utilized to hold manure was adjacent to the barn and subject to flooding. The dumpster had been moved away from the barn at the time of this site visit, outside of the area subject to ponding water.

Copies to: Robert Kosin, Village of Barrington Hills

SITE OBSERVATION SUMMARY

Village of Barrington Hills – 335 Ridge Road

Date: Wednesday, June 26, 2013
Time: 8:00 AM
Location: 335 Ridge Road
Barrington Hills, Illinois

850 Forest Edge Drive, Vernon Hills, IL 60061
TEL 847.478.9700 ■ FAX 847.478.9701

820 Lakeside Drive, Suite 5, Gurnee, IL 60031
TEL 847.855.1100 ■ FAX 847.855.1115

www.gha-engineers.com

Attendees: Rick Cavanaugh, Properties Manager for St. Mark's Church
Robert Kosin, Village of Barrington Hills
Dan Strahan, GHA Inc.

Meeting Purpose

The Village of Barrington Hills received notice of a suspected septic system failure in the vicinity of the property at 335 Ridge Road. After a recent rainfall event the pond on the property at 335 Ridge flooded onto neighboring properties, and an assertion was made that toilet paper was seen within the ponded area. A septic failure involving sewage discharging onto the ground surface would be in violation of Section 4-2-7(D)-7 of the Village Code. A meeting was set up with the property owner to ascertain the location of the septic field and determine if any signs of a septic failure were present.

Observations

The property at 335 Ridge Road is owned by St. Mark's Church, which rents the property to a tenant. A major rainfall event occurred the morning of Wednesday, June 26, 2013, with several area weather stations reporting in excess of a 100-year storm event. Several area roadways were impassable, resulting in difficulty accessing the site.

When I arrived on the site the pond and adjacent properties had flooded. The tenant for the property indicated that water in the barn was approximately "thigh high", and the horses had to be moved to another location. Based on the limits of flooding and aerial topography, the flooding reached an elevation of approximately 809-810.

Mr. Cavanaugh arrived at the site at approximately 8:30 AM, and pointed out the general location of the septic system for the house. The tank is located east of the house with the field east of the tank, generally located between the house and the pasture area. No signs of a septic failure were evident at the time of the inspection.

Mr. Kosin arrived at the site at approximately 9:00 AM and the location of the flooding was reviewed further. Mr. Kosin noted the location of a dumpster outside the barn, which was believed to be used for manure management and was within the flooded area. It was noted that the tenant should be notified to relocate the dumpster so that it would not be inundated during periods of flooding. In addition, it was noted that recent electrical work was apparent between the house and the barn which may have crossed into the septic field area. A follow up inspection will be scheduled to confirm the location and operability of the septic field.

Copies to: All Attendees



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

815/987-7760

RELEASABLE

May 6, 2009

NON-COMPLIANCE ADVISORY LETTER

St. Mark's Episcopal Church
c/o Mike Loring
337 Ridge Road
Barrington Hills, IL 60010-2331

Dear Mr. Loring:

On April 8, 2009, Lee Heeren, representing this Agency, conducted an inspection of your facility. The operation is located in Section 16 in Cuba Township in Lake County. Alberto Sandoval was contacted at the time of the visit. Based on this visit and a review of our files the following violations of the Illinois Environmental Protection Act (the Act), the Illinois Pollution Control Board Rules and Regulations, Title 35, Subtitle C, Water Pollution, CHAPTER I (Subtitle C) and the Subtitle E: Agricultural Waste Regulations (Subtitle E) were noted.

APPARENT VIOLATIONS

1. Livestock waste from your facility was deposited on the ground in such a manner that a water pollution hazard was created. This is an apparent violation of Sections 12(a), (d) and (f) of the Act, and Section 501.403(a) of Subtitle E.
2. The barren pasture may be considered a livestock management facility and as such constitute an apparent violation of Section 501.403(a) of Subtitle E.
3. Appropriate feedlot runoff control structures were not in place at your facility to collect and contain manure wastewater discharges. In some cases clean water was not diverted from the open lots. This is an apparent violation of Section 501.403(a) of Subtitle E.
4. Manure wastewater entered an unnamed tributary. This is an apparent violation of Section 302.203 of Subtitle C.

RELEASABLE

5. The contents of a livestock waste handling facility shall be kept at levels such that there is adequate storage capacity so that an overflow does not occur except in the case of precipitation in excess of a 25-year, 24-hour storm. This is an apparent violation of Section 501.401(d) of Subtitle E.
6. Livestock waste was allowed to discharge to waters of the State without an NPDES (National Pollutant Discharge Elimination System) Permit. This is an apparent violation of Section 309.102(a) of 35 Ill. Adm. Code.

Livestock waste has the potential for causing serious environmental problems. Therefore, it is important for livestock producers to familiarize themselves with proper and safe procedures for handling and disposing of livestock waste. The following is a list of some of the regulations that may apply to your operation:

IEPA Act Section 12a: No Person shall Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act;

IEPA Act Section 12d: No Person shall deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

IEPA Act Section 12f: No Person shall cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

SUBTITLE C

Subtitle C: Water Pollution - Section 309.102(a) NPDES Permit Required: Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

SUBTITLE E

Subtitle E Section 501.401(d): The transportation of livestock wastes shall be planned and conducted so as not to cause, threaten, or allow any violation of the Act and applicable regulations.

Subtitle E Section 501.403(a): Existing livestock management facilities and livestock waste-handling facilities shall have adequate diversion dikes, walls or curbs that will prevent excessive outside surface waters from flowing through the animal feeding operation and will direct runoff to an appropriate disposal, holding or storage area. The diversions are required on all aforementioned structures unless there is negligible outside surface water which can flow through the facility or the runoff is tributary to an acceptable disposal area or a livestock waste-handling facility. If inadequate diversions cause or threaten to cause a violation of the Act or applicable regulations, the Agency may require corrective measures.

Subtitle E Section 501.404(b): Temporary manure stacks shall be constructed or established and maintained in a manner to prevent runoff and leachate from entering surface or ground waters.

Subtitle E Section 501.404(c)(3): The contents of livestock waste-handling facilities shall be kept at levels such that there is adequate storage capacity so that an overflow does not occur except in the case of precipitation in excess of a 25-year 24-hour storm.

Subtitle E Section 560.203 Proximity to Water: Livestock waste should not be applied within 200 feet of surface water unless the water is upgrade or there is adequate diking. There should be a vegetative strip between the application area and any surface water. Waste should not be applied within 150 feet of any water well. Conservative loading rates should be used in the case of fractured bedrock. Caution should be exercised in applying wastes, particularly on porous soils, so as not to cause nitrate or bacteria contamination of ground waters. Such shallow ground waters are often the source of private wells in rural areas.

This Non-Compliance Advisory is not a violation notice as specified in Section 31(a)(1) of the Illinois Environmental Protection Act, 415ILCS 5/31(a)(1). However, if you do not adequately respond to this Non-Compliance Advisory, the Illinois EPA may issue a formal violation notice pursuant to Section 31(a)(1) of the Act.

RELEASABLE

RECOMMENDATIONS

The following is a list of recommendations which are presented for your consideration in dealing with the above mentioned violations:

1. Immediately cease any discharges of manure wastewater from the facility. To improve runoff control at the facility consider the following:
 - a. Consider diverting clean water away from feedlots and other areas where livestock are kept. This can include installation and maintenance of roof gutters on buildings next to feedlots, and clean water diversion berms.
 - b. If a discharge continues, an NPDES Permit from the Illinois EPA will be required.
2. Solicit technical advice to provide alternatives for your manure wastewater discharges.
3. Place the manure in a suitable container located upland to prevent a wastewater leachate discharge to waters of the State.
4. Construct an earthen berm around three sides of the horse barn to prevent storm water from coming into contact with animal manure.
5. Periodically remove the horse manure accumulations from the low-lying pastures.
6. Livestock waste spread on the surface may create a water pollution hazard. Environmental concerns should dictate the wise management and use of livestock waste. The application of livestock waste and soiled bedding must be for agronomic purposes at the appropriate nitrogen rate required for a reasonable anticipated crop yield. The emphasis in land application should be on waste utilization rather than waste disposal. If livestock waste and bedding cannot be properly applied at the facility please consider securing alternative application sites or searching for individuals that can utilize the material. It may become necessary to contract the services of a composting or disposal company.

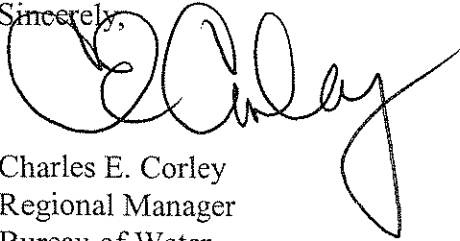
Please submit a written response by June 5, 2009, to: Illinois EPA, Attn: Lee Heeren, 4302 North Main Street, Rockford, IL 61103. The written response must include specific remedial actions, including a specified time for achieving each action. If completed, your response must include the date on which the non-compliance situation was eliminated.

St. Mark's Episcopal Church - Non-Compliance Advisory Letter
May 6, 2009
Page Five

RELEASABLE

If you have any questions or comments regarding the contents of this letter, please feel free to contact me or Lee Heeren of my staff at 815/987-7760.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corley', with a large, stylized initial 'C'.

Charles E. Corley
Regional Manager
Bureau of Water
Division of Water Pollution Control

CEC:LH:svf

bcc: DWPC/FOS & Records Unit
BOW/CAS
BOW/Des Plaines
Rockford Region

RELEASABLE

Memorandum

✓ 850 Forest Edge Drive, Vernon Hills, IL 60061
TEL 847.478.9700 ■ FAX 847.478.9701

820 Lakeside Drive, Suite 5, Gurnee, IL 60031
TEL 847.855.1100 ■ FAX 847.855.1115

www.gha-engineers.com

To: Chris Kallis
Illinois Environmental Protection Agency

From: Marcy Knysz, AICP, LEED AP
Gewalt Hamilton Associates, Inc.

CC: Robert Kosin – Village of Barrington Hills
Dan Strahan – GHA
Nikki Pisula – GHA

Date: December 20, 2011

Re: Potential Illicit Discharge Inspection
337 Ridge Road, Barrington Hills

On December 2, 2011, Ms. Nikki Pisula, Environmental Consultant at Gewalt Hamilton Associates, Inc., investigated the property at 337 Ridge Road in Barrington Hills, Illinois. Ms. Pisula spoke with Richard Cavanaugh, head of the St. Marks building committee and toured the entire property with him. The property consists of St. Marks Church & School in the northwest section, a rental residence in the southwest section, a barn and pond in the southeast section and the Pastor's residence in the northeast section. Ms. Pisula found no evidence of an illicit discharge. The inspection was documented with photos provided on pages 2-7 of this memo.



Comment: Photo of the church facing northeast in the parking lot.



Comment: Photo of the renter's residence facing southeast from the church parking lot.



Comment: Photo of the barn (left) and the renter's residence (right) facing south.



Comment: Photo of the barn adjacent to the renter's house facing east. No horses were observed onsite during the inspection.



Comment: Photo of the onsite pond (located northeast of the barn) facing east.



Comment: South side of barn facing west.



Comment: Side pasture facing southeast from renter's driveway to the barn.



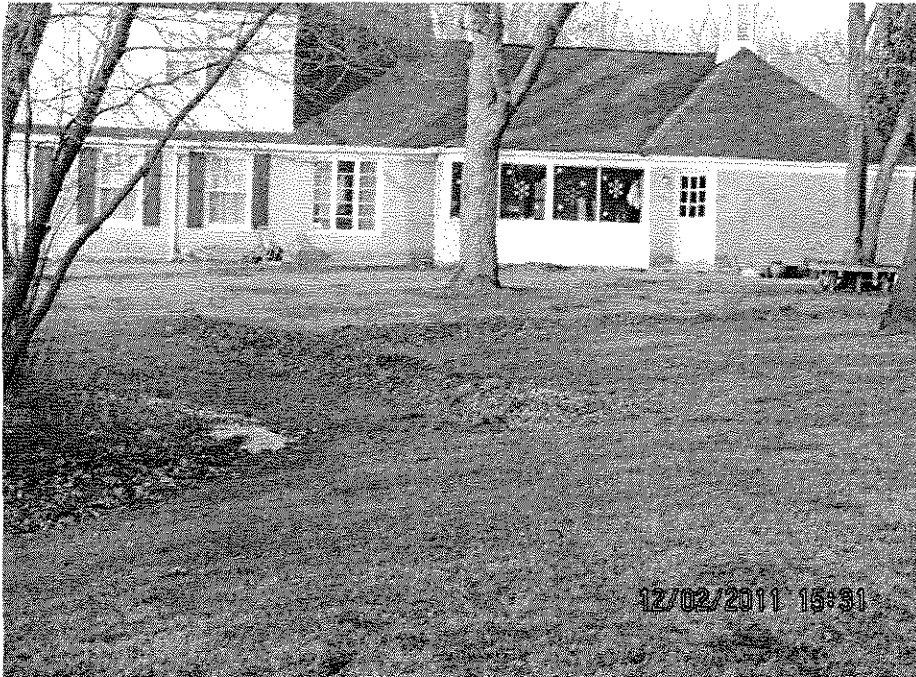
Comment: Photo of the 319 Ridge Road property facing south from the inspected property.



Comment: Photo of the front yard of the renter's driveway facing west.



Comment: Photo of the southeastern edge of the Pastor's residence facing east.



Comment: Photo of the back of the Pastor's residence facing north. Note the recent septic work.



Comment: Photo of the back of the church facing northwest.

(2)



1. ST. MARK'S CHURCH (owner of horse property)
2. Horse barn
3. St. Mark's rectory residence
4. complainant's horse barn
5. complainant's residence
6. Flooded area at property line

PAULINE BOYLE

315 Ridge Road
Barrington, IL 60010
Phone Number 847-277-1143

March 9, 2012

Eric Anderson
Staub Anderson and Green
55W. Monroe St 1925
Chicago, IL 60603

Re: St Mark's vs. Pauline Boyle
Sent via email and fax

Dear Mr. Anderson,

Within the context of the interrogatories previously provided to you - #4 which reads;
Identify any septic work, repair or plumbing for 335 and 337 Ridge Road and include bids
and invoices for any work performed. Include inspection reports by third party potential
buyers and/or any realtor documents relating to septic.

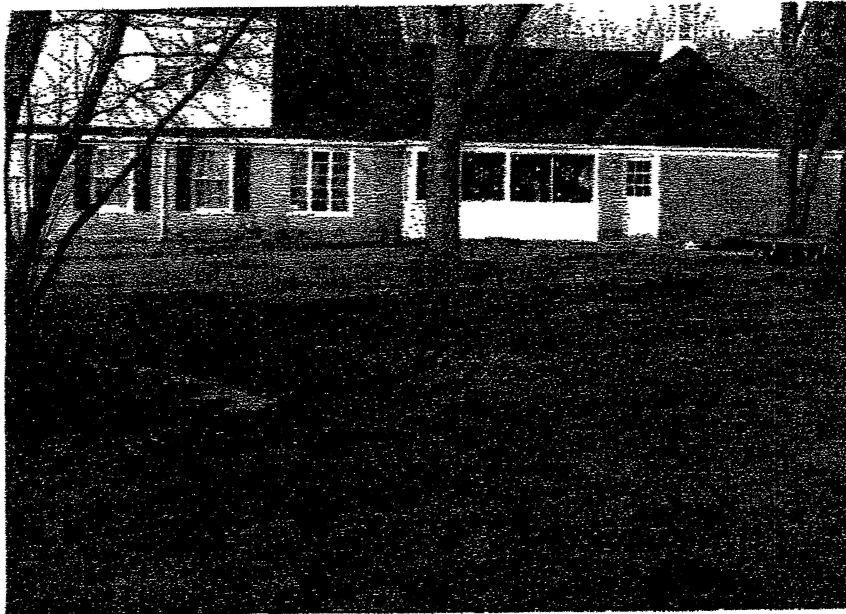
Additionally, I have attached a photo - labeled Exhibit A to this communication. At this
time I am asking if there is anything responsive to my original interrogatory within the last
four years.

Thank you for your time.

Sincerely,



Pauline Boyle



Comment: Photo of the back of the Pastor's residence facing north. Note the recent septic work.

←
★
Dated
12/03/2011



Comment: Photo of the back of the church facing northwest.



flooding and contamination - horse manure

Pauline Boyle <daydreampauline@yahoo.com>

Mon, Aug 15, 2016 at 8:20 AM

To: Bob Kosin <rkosin@barringtonhills-il.gov>, Village Clerk <clerk@barringtonhills-il.gov>, Mary Dickson <marydickson@bond-dickson.com>, sean Conway <seanconway@bond-dickson.com>, Daniel Wolfgram <dwolfgram@barringtonhills-il.gov>, Jan Goss <JanGoss@mac.com>, Lake County State's Attorney <statesattorney@lakecountyil.gov>, Jim Drury <jdrury@jdrurypartners.com>

Off the charts fecal contamination - if not from horses next door at 335 Ridge Road please have village engineer and administrator confirm the source please....

Thank you
Pauline Boyle

Begin forwarded message:

From: Pauline Boyle <daydreampauline@yahoo.com>

Subject: flooding and contamination - horse manure

Date: August 13, 2014 at 11:46:25 AM CDT

To: Pauline Boyle <daydreampauline@yahoo.com>

Cc: Martin McLaughlin Mayor <mmclaughlin@barringtonhills-il.gov>, Colleen Konicek <ckonicek@barringtonhills-il.gov>, "J. Messer" <jmesser@barringtonhills-il.gov>, Patty Meroni <pmeroni@barringtonhills-il.gov>, Fritz Gohl <fgohl@barringtonhills-il.gov>, Karen Selman <kselman@barringtonhills-il.gov>, Michael Harrington <mharrington@barringtonhills-il.gov>, Dolores Trandel <clerk@barringtonhills-il.gov>

Reply-To: Pauline Boyle <daydreampauline@yahoo.com>

Lab reports

3 attachments



Boyle water lab reports.PDF

28K



boyle prop standing water lab report 2013 .pdf

1162K



boyle 315 water testing reports.pdf

177K

**ENVIRONMENTAL MONITORING & TECHNOLOGIES, INC.**8100 N. AUSTIN AVENUE
MORTON GROVE, IL 60053847-967-6666
fax 847-967-6735Client Name: P. BoyleProject Number: —Arrival Time: 13:40Weather Conditions: CloudyDate: 7/28/11Outfall ID: PandDeparture Time: 14:00Wind: 0 to 5 mph**PROJECT INFORMATION:**Sample Matrix (Circle): Wastewater Leachate Groundwater Drinking-Water Soils Other:Event Activities (Circle): Install Service Pull Equipment Grab Sampling Other: —**FLOW METER INFORMATION:**Meter Type (circle and add model): Isco: — Sigma: — Other: —Meter Number: — Battery Number: —RDL: — ACTL: — TF: —Primary Device: — Size: — Max. Head: —

Client Flow Meter:

Number: — RDL: — ACTL: —Incoming Water Meters: —**SAMPLE EQUIPMENT INFORMATION:**

Automated Sampler Type (circle and add model): Isco Sigma Other

Sampler Number: — Battery Number: —No. of Samples Collected (if composite): — Sampling Interval (if Composite): —Multiplex: — Good Manual Sample (circle): YES NOSampling Methodology: EVC FPC Rain Event Grab Other: —Sampling Equipment Used (If not automated Sampler): —**SAMPLE INFORMATION:**Sample Collection Time: 13:40pH Result: — pH Meter No.: — Temperature: —

Sample Description

Sample Color: Cloudy Sample Odor: mineral odorCOMMENTS: —Technician Name (Printed): A. HogenTechnician Name (Printed): —Signature: [Signature]Signature: Submitted by Pauline Boyle



Enviro-Test/Perry Laboratories, Inc.
Chicago Dairy & Food Laboratories

8102 Lemont Road | Suite 1500 | Woodridge | IL | 60517 | Phone: 630.541.8098 | Fax: 630.541.8187

Pauline Boyle

315 Ridge RD
Barrington, IL 60010

Certificate of Laboratory Analysis

Illinois Department of Public Health Certified # 17134


Customer No: 8042

Report Number: W8294

Project: PAID
Purchase Order:

Report Date 4/23/2013
Date Received: 04/18/2013
Time Received 14:40:00
Relinquished By CLIENT
Received By: ML

Sample No. W8294001	Matrix: A	Sample Type GW	Sampled: 04/18/2013 @ 13:30:00			
Description: STORMWATER OVERFLOW		Grab	Collected By: PAULINE			
Analyte	Result	Units	Detection Limi	Analyzed	Analys Method	Reference
Coliform Fecal	4,100	cfu/100ml		04/19/2013	BT	SM9222D


M. Lenos, Project Manager

This Report May Not Be Duplicated,
Except In Its Entirety

*I certify that I am familiar with the information contained in
this report and that to the best of my knowledge and
belief such information is true, complete and accurate*

ENVIRONMENTAL MONITORING AND TECHNOLOGIES, INC.



8100 North Austin • Morton Grove, IL 60053-3203
847.967.6666 • 800.246.0663 • fax: 847.967.6735 • www.emt.com

Pauline Boyle
Pauline Boyle
315 Ridge Road
Barrington, IL 60010

August 05, 2011

RE Analytical Testing

Lab Orders:
11080151

Dear Ms. Pauline Boyle:

Enclosed are the analytical reports for the EMT Lab Order listed. Also included with this analytical report is a copy of the chain of custody associated with these samples. If you have any questions, please contact me at 847-967-6666.

Sincerely,

Joe Pavidonis
Project Manager

Approved by,

Mitchell Ostrowski
Laboratory Director

This Report Contains 5 pages

The Contents of this report apply to the sample(s) analyzed. No duplication is allowed except in its entirety.

State of Illinois Chemical Analysis in Drinking Water Accredited Lab. No. 100256
State of Wisconsin Wastewater and Hazardous Waste No. 999888890

environmental laboratory and testing services

water

soil

air

product

waste

Submitted by Pauline Boyle



8100 North Austin • Morton Grove, IL 60053-3203
847.967.6666 • 800.246.0663 • fax: 847.967.6735 • www.emt.com

CLIENT: Pauline Boyle
Project: Analytical Testing
Lab Order: 11080151

Date: 8/5/2011

CASE NARRATIVE

Unless otherwise noted, samples were analyzed using the methods outlined in the following references:

Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW846, 3rd Edition

Unless otherwise noted, all method blanks, laboratory spikes, and/or matrix spikes met quality assurance objectives.

Sample results relate only to the analytes of interest tested and to the sample received at the laboratory.

All results are reported on a wet weight basis, unless otherwise noted. Dry weight adjusted results, reporting limits, method detection limits and dilution factors are indicated by the notation "dry" in the Units column. If present, a dilution factor will adjust the method detection limits and reporting limits.

The test results contained in this report meet all of the requirements of NELAC. Accreditation by the State of Illinois or Wisconsin is not an endorsement or a guarantee of the validity of data generated. For specific information regarding EMT's scope of accreditation, please contact your EMT project manager.

The Reporting Limit listed on the Report of Laboratory Analysis is EMT's reporting limit for the analyte reported. For most test methods this reporting limit is primarily based upon the lowest point in the calibration curve.

Analyst's initials of "OUT" indicate that the analyte was analyzed by a subcontracted laboratory.

Method References:

SW=USEPA, Test Methods for Evaluating Solid Waste, SW-846.

E=USEPA Methods for the Determination of Inorganic Substances in Environmental Samples; Methods for Chemical Analysis of Water and Wastes; Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater, 40 CFR Part 136, App A; methods for the Determination of Metals in Environmental Samples; Methods for the Determination of Organic Compounds in Drinking Water.

SM= APHA, Standard Methods for the Examination of Water and Wastewater.

D=ASTM, Annual Book of Standards

Batch numbers starting with a letter indicate an analytical batch while those that are exclusively numerals indicate a preparation batch.

8100 North Austin • Morton Grove, IL 60053-3203
847.967.6666 • 800.246.0663 • fax: 847.967.6735 • www.emt.com

CLIENT: Pauline Boyle

Date: 8/5/2011

Project: Analytical Testing

CASE NARRATIVE

Lab Order: 11080151

Analytical Comments for METHOD 9221E_FECALCOLIFORM, 11080151-01A: The Colliforms, Fecal by Method SM9222 D was performed by the subcontracted laboratory Suburban Laboratories, Inc. Illinois Department of Health Certified # 17585 for applicable matrices.

The colonies were too numerous to generate an accurate count.



8100 North Austin • Morton Grove, IL 60053-3203
847.967.6666 • 800.246.0663 • fax: 847.967.6735 • www.emt.com

Report of Laboratory Analysis

CLIENT: Pauline Boyle
Lab Order: 11080151
Project: Analytical Testing
Lab ID: 11080151-01

Client Sample ID: POND GRAB
Report Date: 8/5/2011
Collection Date: 7/28/2011 1:50:00 PM
Matrix: Liquid

Analyses	Result	EMT Reporting Limit	Units	Date Analyzed	Batch	Analyst
Fecal Coliform		Method: SM9221 E				
Fecal Coliform	> 2000	1.	C cfu/100 ml	7/28/11	R158055	OUT

Qualifiers:

B - Analyte detected in the associated Method Blank
E - Estimated
H - Holding Time Exceeded
C - Laboratory not accredited for this parameter

S - Spike Recovery outside accepted recovery limits
R - RPD outside accepted recovery limits
J - Analyte detected below quantitation limits

environmental laboratory and testing services

water

soil

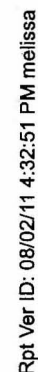
air

product

waste

Submitted by: Pauline Boyle







Fwd: re

Pauline Boyle <daydreampauline@yahoo.com> Mon, Aug 15, 2016 at 8:33 AM
To: Bob Kosin <rkosin@barringtonhills-il.gov>, Village Clerk <clerk@barringtonhills-il.gov>, Mary Dickson <marydickson@bond-dickson.com>, sean Conway <seanconway@bond-dickson.com>, Daniel Wolfgram <dwolfgram@barringtonhills-il.gov>, Jan Goss <JanGoss@mac.com>, Lake County State's Attorney <statesattorney@lakecountyil.gov>, Jim Drury <jdrury@jdrurypartners.com>

And let's not forget the 'we tried the nice way' email of Brian Cook.

Pauline Boyle

Begin forwarded message:

From: Pauline Boyle <daydreampauline@yahoo.com>
Subject: re
Date: July 17, 2012 at 6:00:03 PM CDT
To: Pauline Boyle <daydreampauline@yahoo.com>
Reply-To: Pauline Boyle <daydreampauline@yahoo.com>

This is what I need assistance with - suggestions.....

Pauline
[847-277-1143](tel:847-277-1143) home
[847-254-5569](tel:847-254-5569) cell

4 attachments



flooding narrative.docx
20K



briancookemailsmc.pdf
406K



lab reports august 2011.pdf
11113K



mike warner email.pdf
445K

Hertel, Darcy L.

From: Woolford, Kurt A.
Sent: Monday, March 07, 2011 11:18 AM
To: Warner, Mike D.; Colletti, Joanna S.
Cc: Hmieleski, Joseph I.
Subject: RE: Merri Oaks Drainage

Pauline Boyle called me this morning looking for Mike W. She informed me that Mr. Martin of 6 Acorn Lane has restricted drainage within the drainage easement along his property. She wants to know if SMC "OK'd" this restriction and if so, she requests a copy. She also stated that Mr. Martin has refused to allow Barrington Hills to install a storm sewer within the easement due to the required tree removal that would be necessary.

I told her that I recalled her drainage problems and that we recommended she install drain tiles on her property. She stated that she should not have to spend any money to fix the drainage problems. She said her property was once the high point (and has maps to prove it) and the current drainage problems are the result of development around her. She requested that we investigate the Merri Oaks drainage for obstructions so she doesn't flood this spring.

I told her I would forward her request to Mike and Joanna since they've been previously involved. She expressed her thanks and said anything that can be done would be appreciated.

I'd like to take a look at the drainage out there.

Kurt

From: Warner, Mike D.
Sent: Thursday, June 17, 2010 3:54 PM
To: Pauline Boyle
Cc: Woolford, Kurt A.; Hmieleski, Joseph I.
Subject: RE: Merri Oaks Drainage

It is a private drainage system on private property. SMC does not have the legal authority or funding capacity to address it.

From: Pauline Boyle [mailto:pboyle315@sbcglobal.net]
Sent: Thursday, June 17, 2010 3:17 PM
To: Warner, Mike D.
Subject: RE: Merri Oaks Drainage

Thank you - once again - why is it that you are not pursuing the existing drain tile/overflow piping at 335 Ridge Road?

Pauline Boyle

--- On Thu, 6/17/10, Warner, Mike D. <MWarner@lakecountyil.gov> wrote:

From: Warner, Mike D. <MWarner@lakecountyil.gov>
Subject: RE: Merri Oaks Drainage
To: "Pauline Boyle" <pboyle315@sbcglobal.net>
Cc: "Woolford, Kurt A." <KWoolford@lakecountyil.gov>, "Hmieleski, Joseph I." <JHmieleski@lakecountyil.gov>
Date: Thursday, June 17, 2010, 10:39 AM

CLIENT: Pauline Boyle
Project: Analytical Testing
Lab Order: 11080151

CASE NARRATIVE
Date: 8/5/2011

ENVIRONMENTAL
MONITORING AND
TECHNOLOGIES, INC.

Submitted by Pauline Boyle



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Methods for Chemical Analysis of Water and Wastes; Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater, 40 CFR Part 136, App A; methods for the Determination of Metals in Environmental Samples; Methods for the Determination of Organic Compounds in Drinking Water.
SM=APHA, Standard Methods for the Examination of Water and Wastewater.
D=ASTM, Annual Book of Standards

Batch numbers starting with a letter indicate an analytical batch while those that are exclusively numerals indicate a preparation batch.

environmental laboratory and testing services
water soil air product waste





ENVIRONMENTAL MONITORING & TECHNOLOGIES, INC.
8100 N. AUSTIN AVENUE
MORTON GROVE, IL 60053
847-967-6666
fax 847-967-6735

Client Name: P. Boyle
Project Number: —
Arrival Time: 1:30
Weather Conditions: Clear
Date: 7/28/11
Outfall ID: B-8
Departure Time: 1:00
Wind: 0-5 mph

PROJECT INFORMATION:

Sample Matrix (Circle): Wastewater Leachate Groundwater Drinking-Water Soils Other:
Event Activities (Circle): Install Service Pull Equipment Grab Sampling Other:

FLOW METER INFORMATION:

Meter Type (circle and add model): Isco Sigma Other:
Meter Number: —
RDL: — ACTL: — TF: —
Primary Device: — Size: — Max. Head: —
Client Flow Meter: — Number: — RDL: — ACTL: —
Incoming Water Meters: —

SAMPLE EQUIPMENT INFORMATION:

Automated Sampler Type (circle and add model): Isco Sigma Other:
Sampler Number: —
No. of Samples Collected (if composite): —
Sampling Interval (if Composite): —
Good Manual Sample (circle): YES NO
Sampling Methodology: EVC FPC Rain Event Grab Other:
Sampling Equipment Used (if not automated Sampler): —

SAMPLE INFORMATION:

Sample Collection Time: 12:50
pH Result: —
pH Meter No.: — Temperature: —
Sample Description: —
Sample Color: Clear
Sample Odor: Musty odor
COMMENTS: —

Technician Name (Printed): —Signature: —Technician Name (Printed): A. HoggSignature: —



environmental laboratory and testing services
water soil air product waste

- Qualifiers:
- B - Analyte detected in the associated Method Blank
 - S - Spike Recovery outside accepted recovery limits
 - R - RPD outside accepted recovery limits
 - J - Analyte detected below quantitation limits
 - H - Holding Time Exceeded
 - C - Laboratory not accredited for this parameter

Fecal Coliform				
Fecal Coliform				
Method: SM9221 E				
1. C cfu/100 ml				
7/28/11				
R158055 OUT				
Analyses				
Result				
Reporting Limit				
Units				
Date Analyzed Batch Analyst				
E.M.T.				
Lab ID: 11080151-01				
Project: Analytical Testing				
Collection Date: 7/28/2011 1:50:00 PM				
Report Date: 8/5/2011				
Client Sample ID: POND GRAB				
Matrix: Liquid				

Report of Laboratory Analysis

ENVIRONMENTAL
MONITORING AND
TECHNOLOGIES, INC.

Submitted by Pauline Boyle





3

environmental laboratory and testing services
water soil air product waste

Analytical Comments for METHOD 9221E_FECALCOLIFORM, 11080151-01A: The Colliforms, Fecal
by Method SM9222 D was performed by the subcontracted laboratory Suburban Laboratories, Inc.
Illinois Department of Health Certified # 17585 for applicable matrices.
The colonies were too numerous to generate an accurate count.

CASE NARRATIVE

Date: 8/5/2011

CLIENT: Pauline Boyle
Project: Analytical Testing
Lab Order: 11080151

ENVIRONMENTAL
MONITORING AND
TECHNOLOGIES, INC.

Submitted by Pauline Boyle



Colletti, Joanna S.

From: Woolford, Kurt A.
Sent: Friday, June 10, 2011 11:29 AM
To: Cook, Brian J.; Gardiner, Robert D.
Subject: RE: Regulatory Flood Plain Questions

We need to discuss this internally, not via email. It was my recollection that we were going to handle this differently.

-----Original Message-----

From: Cook, Brian J.
Sent: Friday, June 10, 2011 7:41 AM
To: Woolford, Kurt A.; Gardiner, Robert D.
Subject: FW: Regulatory Flood Plain Questions

Kurt,

I copied you on my response to Ms. Boyle. At this point, I'd suggest she get an after-the-fact permit for fill in regulatory floodplain. We tried the "nice" route and I thought she was receptive to that. Apparently not.

Let me know what you think.

Bob, I'll forward my reply to you.

From: Pauline Boyle [daydreampauline@yahoo.com]
Sent: Friday, June 10, 2011 7:23 AM
To: Cook, Brian J.
Subject: Regulatory Flood Plain Questions

Good Morning Brian,

I bet you love this weather! I have several questions regarding the regulatory flood plain you stated exists on the southernmost end of my property. First of all I would like a map of this area along with the associated 'verbage' as to when this was decided or put into effect. Nothing existed when this property was purchased by us. As you know and can clearly see - the drywells on the sw corner of Merri Oaks are inadequate - to say the least - and always overflow and direct water onto my property. Today would be a good day to see for yourself but I also have plenty of videos and photos. If it is the intention of the Village of Barrington Hills and Stormwater Mgmt to initiate this floodplain without my consent, knowledge or public hearing - let me say unequivocally that I do not agree. Just protecting my property that the Village seems to deem a dumping ground....please understand.

Thanks for listening to my concerns. I look forward to hearing from you.

Stay dry!
Pauline Boyle
315 Ridge Road
Barrington Hills
847-277-1143



Manure removal

Pauline Boyle <paulineboyle@yahoo.com>

Mon, Aug 15, 2016 at 9:07 AM

To: Bob Kosin <rkosin@barringtonhills-il.gov>, "clerk@barringtonhills-il.gov" <clerk@barringtonhills-il.gov>, Mary Dickson <marydickson@bond-dickson.com>, sean Conway <seanconway@bond-dickson.com>, "dwolfgram@barringtonhills-il.gov" <dwolfgram@barringtonhills-il.gov>, "jangoss@mac.com" <JanGoss@mac.com>, Jim Drury <jdrury@jdrurypartners.com>, "statesattorney@lakecountyil.gov" <statesattorney@lakecountyil.gov>

Attachment available until Sep 14, 2016

Attached is a copy of the manure removal in December 2014 after I called in a complaint about this to the village hall. Rather than send a representative of the village out to adequately assess the situation - someone called St Marks church to remove the manure asap to circumvent a real inspection. I have the documents as to whom that person was but will leave it up to you to do the appropriate research. Once again nothing was done. However if you turn the volume up you will get the real picture as to how manure is managed and sanctioned here in Barrington Hills.

Thank you
Pauline Boyle

[Click to Download](#)

335 manure removal dec 17 2014.zip
507.8 MB

August 15, 2016

Mr. Daniel Wolfgram
Chairman, Zoning Board of Appeals
Village of Barrington Hills
Barrington Hills, Illinois 60010-5199

Subject: Public Hearing comments: Commercial Boarding Text Amendment

Dear Mr. Chairman;

Every resident that acquires land in Barrington Hills cherishes our open spaces and tranquility, and wants to protect our 5 acre residential zoning. All of us moved here respecting and enjoying equestrian activity and none of us favor dense development or spread of commercialism.

Public discourse during the ZBA hearings incorrectly focuses on a single dispute. Instead, we call the ZBA and all residents' attention to the negative consequences of Anderson II Text Amendment for the majority 5 acre properties. These residences are in beautiful, historic neighborhoods and many share common easements.

On June 17, 2014, then ZBA Member Kurt Anderson was kind to meet with me and discuss commercial boarding. My interest was to discuss the importance of establishing proper limits on horses for the majority of 5 to 10 acre residential neighborhoods affected by commercial boarding. While Member Anderson was sympathetic, he stated at that time that any code changes needed to find a way to legalize Oakwood Farms.

In July, 2011; then ZBA chair Judy Freeman authored official opinion favoring special use. Later, the Appellate Court ruled Oakwood did not comply with Home Occupation, allowed by the infamous "Schumann letter". So, in order to legalize Oakwood and create a Riding Club corridor for commercial self-interests; Anderson II passed with a 7 year retroactive provision. That approach placed the Village in a proactive position of favoring one resident over another in the midst of legal proceedings.

Unfortunately, negative consequences of Anderson II also serve to destroy the residential rights of our 5 acre neighborhoods. The chart found below is not my interpretation, but represents summary information provided to me from the Village clerk and an enforcement officer on the Text Amendment. Any ambiguity only further points to flaws in the code for purposes of enforcement.

- **Unlimited numbers of horses are allowed on 5 & 10 acre properties**
- **Commercial boarded horses are minimums of 10 on 5 acres or 20 on 10 acres.**
- **No approvals are required from the Village to establish commercial operations**
- **Under Anderson II, no restriction for use of common easements exists and commercial traffic is allowed. If easement language does not restrict commercial operations, provisions reverse to the allowances of Anderson II.**
- **Particularly unsettling is change to floor area ratio restrictions. For instance, my wife and I could install a horse stable and riding areas sufficient to house 40 or more horses on our 10 ½ acres along Brinker; forever changing the character of that pristine road.**

One only needs to view the massive structure with associated necessary lighting, parking and road access for that 2 year construction on Algonquin and Old Sutton roads. This indoor and outdoor polo and boarding facility was granted a special use for personal use only. One can question if the current Text Amendment will now allow that property to be used for unrestricted commercial boarding under Anderson II. It is also fair to wonder what Barrington Farms has in mind or what new construction may await neighbors of Oakwood under the Text Amendment that those owners so vehemently favor.

These facts highlight the destruction of residential rights caused by Anderson II.

For several years, attempts have been made to polarize our community between pro and anti-equestrians. That is a false narrative. However, it is true that an extreme equestrian group seeks to turn our Village into a commercial boarding destination and use our public facilities and private trails for the benefit of residents and non-residents. We do not oppose commercial boarding. Large scale boarding operations that are not offensive to the residential condition of each neighborhood are part of our Village's character.

However, residential rights and protections of open spaces free of excessive commercialism has always been a hallmark of the Village. Anderson II constructed an illegal 7 year retroactive provision in order to build a work around for the benefit of one resident. The Village reversed its original cease and desist actions against Oakwood Farms in order to favor alleged special interest motivations of members of the ZBA and Trustees at that time.

We request that the Village immediately reverse the illegal 7 year retroactive provision of Anderson II to the original state of Home Occupation. Furthermore, we support the ZBA's construction of an appropriate code with reasonable limits on horse occupancy and building construction. We also request that the Village initiate an independent and official inquiry into what appears to be illegal actions taken to adopt the 7 year retroactive Anderson II code.

Please, Restore our Residential Rights!

Respectively submitted;

A handwritten signature in black ink, appearing to read 'Jack E. Reich', written in a cursive style.

Jack E. Reich
26 year resident

Trustee Colleen Konicek Hannigan, Trustee Liaison to ZBA
Ms. Debra Buettner, ZBA Member
Mr. Richard Chambers, ZBA Member
Mr. Jan Goss, ZBA Member
Mr. Patrick Hennelly, ZBA Member
Mr. Jim Root, ZBA Member
Mr. David Stieper, ZBA Member
Ms. Anna Paul, Clerk, Village of Barrington Hills
Ms. Mary Dickson & Mr. Patrick Bond; Village Attorneys

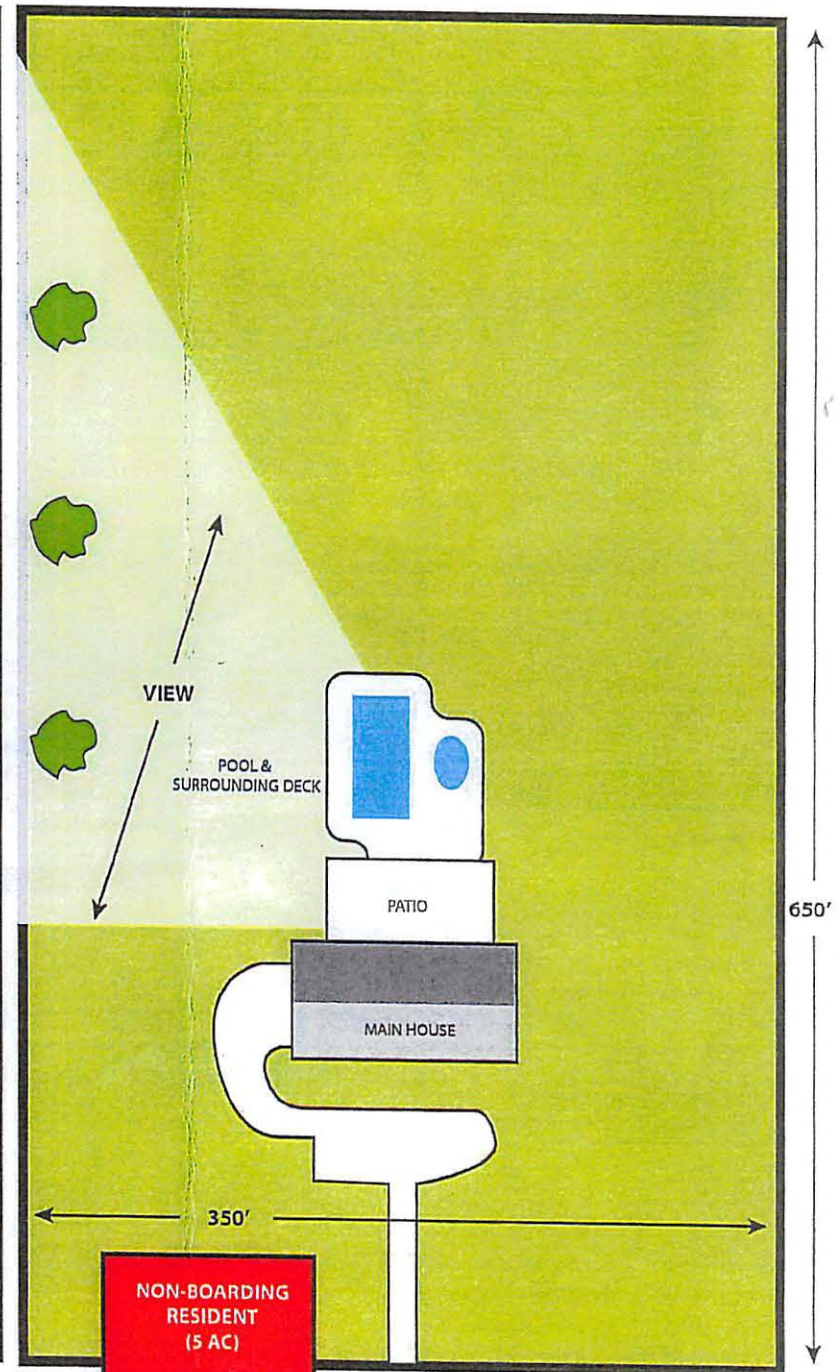
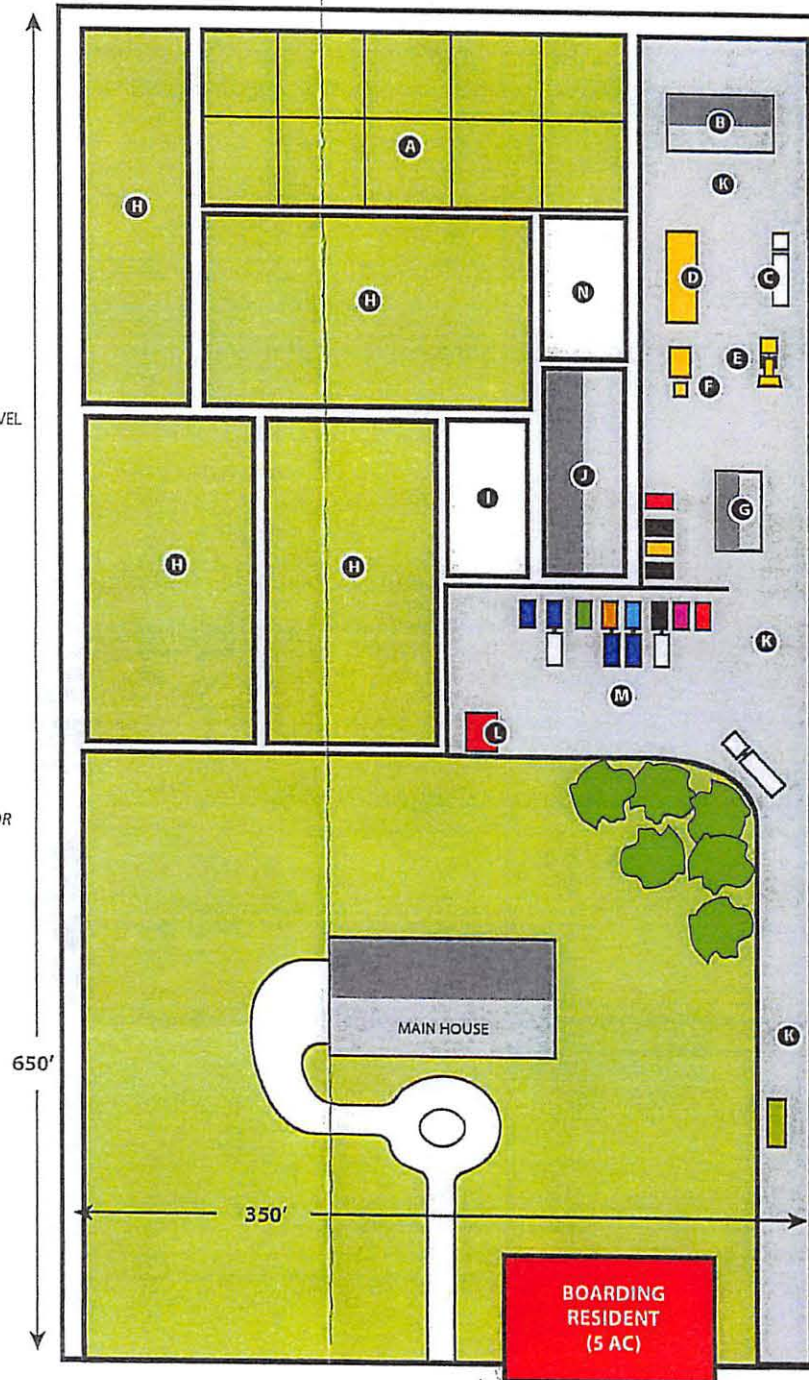
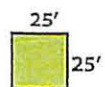
Anderson II Text Amendment Allows

	5 Acres	10 Acres
Commercial Boarded horse limits	10 horses	20 horses
Owned horse limits	unlimited	unlimited
Total Horses Allowed	Unlimited	Unlimited
Prior Approvals required for commercial boarding	<u>None required</u> , effectively eliminating neighbor rights under Home Occupation	
Floor Area Restrictions for all buildings, etc.	10,890 sq. ft.	21,780 sq. ft.
	0.5 times total lot area	
Commercial operations	6AM to 9 PM, 7 days per week	

Diagram depicting Uses on 5 acre Residential lot under Anderson II

- (A) SMALL PADDOCKS (GRASS & DIRT)
- (B) ACCESSORY BLDG.
- (C) OWNER'S TRUCK, TRAILER
- (D) SHAVINGS SEMI-TRAILER
- (E) TRACTOR/MOWER/PLOW/SHOVEL
- (F) HAY/MANURE WAGON
- (G) HAY/FEED BARN
- (H) LARGE HORSE PADDOCKS
- (I) LIMESTONE PADDOCK
- (J) 12 HORSE BARN (5 Boarders-7 Personal)
- (K) GRAVEL DRIVEWAY & PARKING LOT
- (L) MANURE BIN
- (M) BOARDER'S CARS, TRAILERS, TRUCKS
- (N) OUTDOOR LESSONS ARENA NOT SHOWN- POSSIBLE INDOOR RIDING ARENA

LEGEND



**Photos of a Commercial Horse Boarding Operation in a
Residential District**

Oakwood Farms - view from East

OAKWOOD FARMS

DEEPWOOD ROAD



BATEMAN ROAD

DEEPWOOD ROAD ENTRANCE

11/15/2012

Submitted On Behalf of Tom Burney - Drury



Submitted On Behalf of Tom Burrey - Drury



Submitted On Behalf of Tom Burrey - Druy





Submitted On Behalf of Tom Burrey - Drury



Submitted On Behalf of Tom Burrey - Drury



Submitted On Behalf of Tom Burrey - Druy





Submitted On Behalf of Tom Burrey - Drury



Submitted On Behalf of Tom Burrey - Drury



Submitted On Behalf of Tom Burrey - Drury



Submitted On Behalf of Tom Burney - Drury

Barrington Farms Zoning Petitions in McHenry County



MCHENRY COUNTY
STAFF PLAT REVIEW
AGENDA • APRIL 20, 2016

Public Meeting

Conference Room B

8:30 AM

667 Ware Rd., Woodstock, IL 60098

I. CALL TO ORDER

Roll Call

II. PUBLIC COMMENT

III. DRAFT MINUTES FOR APPROVAL

1. Staff Plat Review - Public Meeting - Apr 6, 2016 8:30 AM

IV. SITE PLAN REVIEW

A. Barrington Hills Farm - Equestrian Facility

1. Application and Site Plan
2. Stormwater Comments
3. Planning Comments
4. Building Comments

V. MEMBER COMMENTS

VI. ADJOURNMENT



MCHENRY COUNTY
STAFF PLAT REVIEW
MINUTES • APRIL 6, 2016

Public Meeting

Conference Room B

8:30 AM

667 Ware Rd., Woodstock, IL 60098

I. CALL TO ORDER

Mr. Sandquist called the meeting to order at 8:32 a.m.

PRESENT: Sandquist, Beets, Levato

ABSENT: Colletti, Wallen, Moore

Kim Masura was present on behalf of Joanna Colletti, Kim Kolner was present on behalf of Darrell Moore, and Shawn Hawk was present on behalf of Adam Wallen.

II. PUBLIC COMMENT

None.

III. DRAFT MINUTES FOR APPROVAL

Jeff and ray

1. Staff Plat Review - Public Meeting - Mar 16, 2016 8:30 AM

Motion by Mr. Levato, seconded by Mr. Beets to approve the minutes of the March 16, 2016 Staff Plat Committee meeting.

All members voted aye. Motion passed.

RESULT: ACCEPTED BY VOICE

IV. SITE PLAN AND SUBDIVISION REVIEW

A. Conditional Use for a Place of Worship- St. Patrick Church of Hartland 2016-007

Reverend Thomas Doyle, Administrator of the St. Patrick Church was present. He stated they are requesting a change to the conditional use. They are doing this to bring the existing facility into conformance with the Zoning Ordinance.

HEALTH - Jeff Levato

Mr. Levato stated they have indicated the location of septic and well. If they are going to expand the population in the future, the septic would have to be brought up to current standards.

If facility is going to serve more than 25 people per day, water supply would be classified as a non-community public water supply. Mr. Levato handed Reverend Doyle the Non Community Handbook.

Any proposed food service operations would be required to be in compliance, and a review and approval would be required through the Health Department.

ZONING - Kim Kolner

Minutes Acceptance: Minutes of Apr 6, 2016 8:30 AM (Draft Minutes for Approval)

Ms. Kolner advised the Reverend that 95% of the property is located within a sensitive aquifer recharge area (SARA) and the UDO has a special overlay district for the SARA areas. Right now, they are only at approximately 5% impervious. The limit is 50 so there is plenty of room for new development.

STORMWATER - Kim Masura

Ms. Masura stated she had no comments, unless other divisions request something that would change the stormwater requirements.

TOWNSHIP HIGHWAY - Ray Beets

Mr. Beets stated St. Patrick Road is a township road, therefore, he has no comments.

BUILDING - Shawn Haak

Mr. Haak had no comments. He told Reverend Doyle, if they are planning to do any building in the future, they will need to follow the adopted codes. Mr. Shawn handed Reverend Doyle a copy of the current codes. He mentioned the department is in the midst of adopting new codes, so they should be aware of that.

There were no other comments or questions.

Motion by Ms. Masura, seconded by Mr. Levato to approve the St. Patrick Church of Hartland site plan and allow it to be forwarded to the Zoning Board of Appeals, subject to it being modified to add the septic and well locations. All members voted aye, motion passes.

B. Renewal of Conditional Use for a Commercial Kennel - Jorgensen 2016-008

The owners of the kennel, Tom and Judy Jorgensen were present.

The Jorgensen's are seeking a renewal of the conditional use permit. They are not proposing any changes to the property.

BUILDING - Shawn Haak

Mr. Hawk had no comments. He informed the Jorgensen's that the department is in the process of updating the codes, so any work they do in the future would have to comply with those code.

TOWNSHIP HIGHWAY - Ray Beets

Mr. Beets had no comments.

STORMWATER - Kim Masura

Ms. Masura had no comments.

ZONING - Kim Kolner

Ms. Kolner reviewed the comments that were in the agenda packet. She mentioned the property is located in a SARA overlay district which would limit the property to 50 percent impervious. There is adequate space, so future development would not be a problem.

HEALTH DEPARTMENT - Jeff Levato

Mr. Levato had no comments. The current use is consistent with septic and wells.

Minutes Acceptance: Minutes of Apr 6, 2016 8:30 AM (Draft Minutes for Approval)

Motion by Mr. Levato, seconded by Mr. Beets to approve the Commercial Kennel and allow it to move forward to the Zoning Board of Appeals.

All members voted aye, motion passed.

C. Hennings Phase 2 Subdivision

Present on behalf of the Hennings Subdivision: Kelly Bordick, environmental scientist; Pete LeSueur, Rock Creek Development and Meghan Michel from J. Condon and Associates Inc. Ken Madziarek, Huntley Fire Marshall and Joe Buschbackher, Huntley Fire Inspector were also present from the Huntley Fire Protection District.

ZONING - Kim Kolner

Ms. Kolner stated her comments are related to the Covenants and Restrictions. Most of the comments pertain to lot numbering, and with the special service area we are under the understanding that the document will be recorded prior to the covenants and restrictions being recorded. That document number should be in listed in the covenants and restrictions so that it can be referenced easier.

Ms. Kolner noted there was a comment regarding rain gardens that were removed from the Covenants and Restrictions. She asked if this was intentional. Ms. Michel stated said she will check will the attorney.

HUNTLEY FIRE DISTRICT

Mr. Madziarek stated his comments concerned the cul-de-sac. He noted the existing cul-de-sac is 50 feet in diameter. Per the amended fire code, they are required to be 96 feet in diameter or 120 ft hammer heads or 60 foot wide.

He said the developers are aware the subdivision will fall under the Huntley Sprinkler Ordinance. Residential sprinklers are required. There was a discussion on the fire district signing the final plat.

HEALTH DEPARTMENT - Jeff Levato

Storm sewers must be located 10' from any suitable well area. It appears additional well restricted area would be required on lots 5 and 14 due to the proposed location of the sanitary sewer.

Well suitable areas must be a minimum of 25' from any proposed normal water level within the proposed detention basins. The normal water level proposed for basin P may require additional well restricted area on lots 33 and 34.

Well restriction area boundaries must be delineated on the final plat for ease of reproduction in the field.

TOWNSHIP HIGHWAY

Mr. Sandquist presented Mr. Wagner's comments since he was not able to attend.

Mr. Wagner commented that on Note 8 on the plat, should refer to lots 39 and 40 instead of lots 41 and 39.

BUILDING - Shawn Haak

Minutes Acceptance: Minutes of Apr 6, 2016 8:30 AM (Draft Minutes for Approval)

Mr. Haak handed out the most current adopted building codes. He said they should keep in mind at the time of construction and permitting, the codes may change.

He noted that the County does have codes that specify the purpose of the emergency equipment gaining access to the properties.
On board with size and turning.

TOWNSHIP HIGHWAY - Ray Beets

No Comments. This is a township road.

STORMWATER - Kim Masura

Ms. Masura stated the majority of the comments from the December 8 review have still not been addressed. They can be addressed during final engineering and final plat. The new Stormwater Ordinance requires a lot of information during engineering be provided on the plat.

Motion by Ms. Masura, seconded by Mr. Haak to approve the Hennings Phase 2 tentative plat, with the recommendation that the comments will be addressed at final.

Ms. Masura noted if the cul-de-sac changes, that could impact lots.

It was noted the existing cul-de-sac is 50 feet, so it would be double that, and it would take out the flat side and make it a complete circle.

The motion was amended to resubmit the plat to address the cul-de-sac issue. The timeline would be 90 days.

All members voted aye, motion passed.

V. MEMBER COMMENTS

No comments

VI. ADJOURNMENT

Motion by Mr. Beets, seconded by Ms. Masura to adjourn. All members voted aye, motion passed.

The meeting was adjourned at 9:04 a.m.

Minutes Acceptance: Minutes of Apr 6, 2016 8:30 AM (Draft Minutes for Approval)



Civil Engineering

Surveying

Water Resources Management

Water & Wastewater Engineering

Supply Chain Logistics

Construction Management

Environmental Sciences

Landscape Architecture

Land Planning

March 21, 2016

Kimberly S. Kolner, AICP
McHenry County Planning and Development
2200 N. Seminary Ave.
Woodstock, IL 60098

**RE: BARRINGTON HILLS FARM
NORTH EAST CORNER OF CHURCH AND CHAPEL ROAD
MCHENRY COUNTY, ILLINOIS 60010**

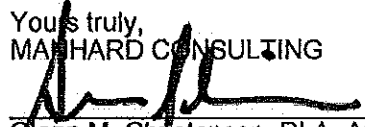
Mrs. Kolner,

We are seeking site plan approval for the Barrington Hills Hooved Animal Rescue & Protection Society (HARPS). The project consists of the development of 21-acres of agricultural property Zoned A-1 in McHenry County. The proposed development will remain Zoned A-1 and include one primary Stable and Arena building with two ancillary service buildings. The intent of the project is to provide safe refuge for abused and neglected horses and to provide boarding for horses as a means to supplement the operation costs of the horse rescue operation. Please find the following materials for your review and approval:

- One (1) Site Plan Review application and check for \$400.00
- One (1) Tree Inventory Report
- One (1) Wetland Assessment Report
- One (1) Topographic Survey
- One (1) Soil Suitability Report
- One (1) Preliminary Septic System Design Plan
- One (1) Preliminary Stormwater Report
- One (1) Preliminary Stormwater Design Plan
- One (1) Illinois Department of Natural Resource EcoCAT Consultation Termination Letter
- One (1) Illinois Historical Preservation Society Signoff Letter
- One (1) Architectural Elevation Drawings Set
- One (1) Stable & Indoor Arena Floor Plan
- One (1) Site Lighting Plan and Details
- One (1) Entry Signage Plan and Details
- One (1) Preliminary Overall Site Plan
- One (1) Preliminary Landscape Plan
- One (1) Project Description

For your review and signature. If you should have any questions, please do not hesitate to contact me at 847-325-7307 or GChristensen@manhard.com.

Yours truly,
MANHARD CONSULTING


Glenn M. Christensen, RLA, ASLA
Senior Planner

Cc: Cesar Lujan, Blackburn Architects
Enclosures

Manhard Consulting, Ltd.

900 Woodlands Parkway • Vernon Hills, Illinois 60061

tel: (847) 634-5550 • fax: (847) 634-0095 • www.manhard.com

ARIZONA • CALIFORNIA • COLORADO • GEORGIA • ILLINOIS • INDIANA • MARYLAND • NEVADA • VIRGINIA

Submitted On Behalf of Tom Burney - Drury

MCHENRY COUNTY PLANNING AND DEVELOPMENT
2200 N. SEMINARY AVENUE, WOODSTOCK, IL 60098
815-334-4560

Office Use Only

Petition # _____

APPLICATION FOR ZONING PETITION

OWNER INFORMATION:		ATTORNEY/CONTRACTOR INFORMATION (If Applicable):	
Name	JR DAVIS	Name	GLENN M. CHRISTENSEN
Address	81 MEADOW HILL ROAD	Address	900 WOODLANDS PARKWAY
City, St, Zip	BARRINGTON, ILLINOIS 60010	City, St, Zip	VERNON HILLS, ILL. 60061
Daytime Phone	847/998-9000	Phone	847/325-7307
Email		Email	gchristensen@manhard.com

PARCEL INFORMATION:	
Address	NOT KNOWN
City	BARRINGTON HILLS
Zip	ALGONQUIN TOWNSHIP
Parcel/Tax Number	20 - 30 - 100 - 002
Number of Acres	+ 22 ACRES
Description of Location	NORTHEAST CORNER OF CHAPEL ROAD & CHURCH ROAD

Applying For: (Check all that apply)	<input type="checkbox"/> Reclassification	Current Zoning	AL	Requested Zoning	
	<input type="checkbox"/> Conditional Use & Site Plan Review	CUP Request:			
	<input type="checkbox"/> Variation	Variation Request:			
	<input checked="" type="checkbox"/> Site Plan Review for Commercial Permit	Permit Number:			

NARRATIVE: Please use the space below to explain your request in detail. Please feel free to use a separate page for more space.

SEE ATTACHED

Wherefore, Petitioners pray that the Chairman of the Zoning Board of Appeals or McHenry County Hearing Officer sets a date and time for a Public Hearing to be held for the proposed request.

[Signature]
Signature

J.R. Davis
Print Name

Chairman
ZBF, LLC

[Signature]
Signature

GLENN M. CHRISTENSEN
Print Name

GLENN M. CHRISTENSEN

VERIFICATION

I, GLENN M. CHRISTENSEN, sworn on oath, hereby verify and attest to the truth and correctness of all facts, statements and information presented herein.

[Signature]
Signature

[Signature]
Print Name

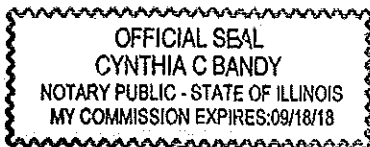
[Signature]
Signature

GLENN M. CHRISTENSEN
Print Name

GLENN M. CHRISTENSEN

SUBSCRIBED and SWORN to before me
this 21 day of MARCH, 2016.

[Signature]
NOTARY PUBLIC



Communication: Application and Site Plan (Barrington Hills Farm - Equestrian Facility)

WASHINGTON, DC

1820 N STREET NW
WASHINGTON, DC 20036
(202) 337-1755 PHONE
(202) 337-6271 FAX

SAN FRANCISCO

50 CALIFORNIA STREET
SUITE 1500
SAN FRANCISCO, CA 94111
(415) 439-6203 PHONE
(415) 439-5299 FAX

www.blackburnarch.com

Project Description

Barrington Hills Farm / HARPS
N.E. Corner of Church Road and Chapel Road
Unincorporated Barrington Hills
McHenry County, IL

Overview

Barrington Hills Farm/Hooved Animal Rescue & Protection Society (HARPS) is an equestrian facility intended to provide safe refuge for abused and neglected horses and to provide boarding for horses as a means to supplement the operation costs of the horse rescue operation. HARPS is a not-for-profit organization that has served the Greater Chicago area since 2001.

Project Scope

The project scope and primary building is a design for a 40-stall horse barn (20 for HARPS and 20 for boarding) with service spaces such as an indoor riding arena to exercise horses during inclement weather. Other service spaces would include tack room, laundry, wash and groom stalls, storage for feed, hay, and bedding, and an out-patient veterinary clinic to provide minor care to abused horses.

Administration spaces will also be included to serve visitors and include spaces like an office, handicap accessible restrooms, meeting room, and a kitchen for staff.

Secondary buildings would include a storage building for hay and bedding and vehicle garage for property maintenance equipment. On a second level above the vehicle garage would be a two-bedroom apartment for staff members who would be present on site 24/7 to care for the horses on the property.

Site Improvements and Considerations

The overall property is 21-acres bordered by Church Road to the west with neighboring properties to the north and east. The owner of Barrington Hills Farm is also the owner of the property to the south of the 21-acre parcel.

The primary structure of the horse stalls with indoor arena would be located towards the eastern edge of the property accessible by a public entrance on Church Road. A secondary service entrance would also be included located at the southwestern corner to provide access to deliveries of hay and bedding and for horse trailers.

Four stormwater ponds would be located at various locations throughout the property with fenced horse paddocks filling the remainder of the property. Aside from paddock fencing, a fence would surround the property on all four sides.

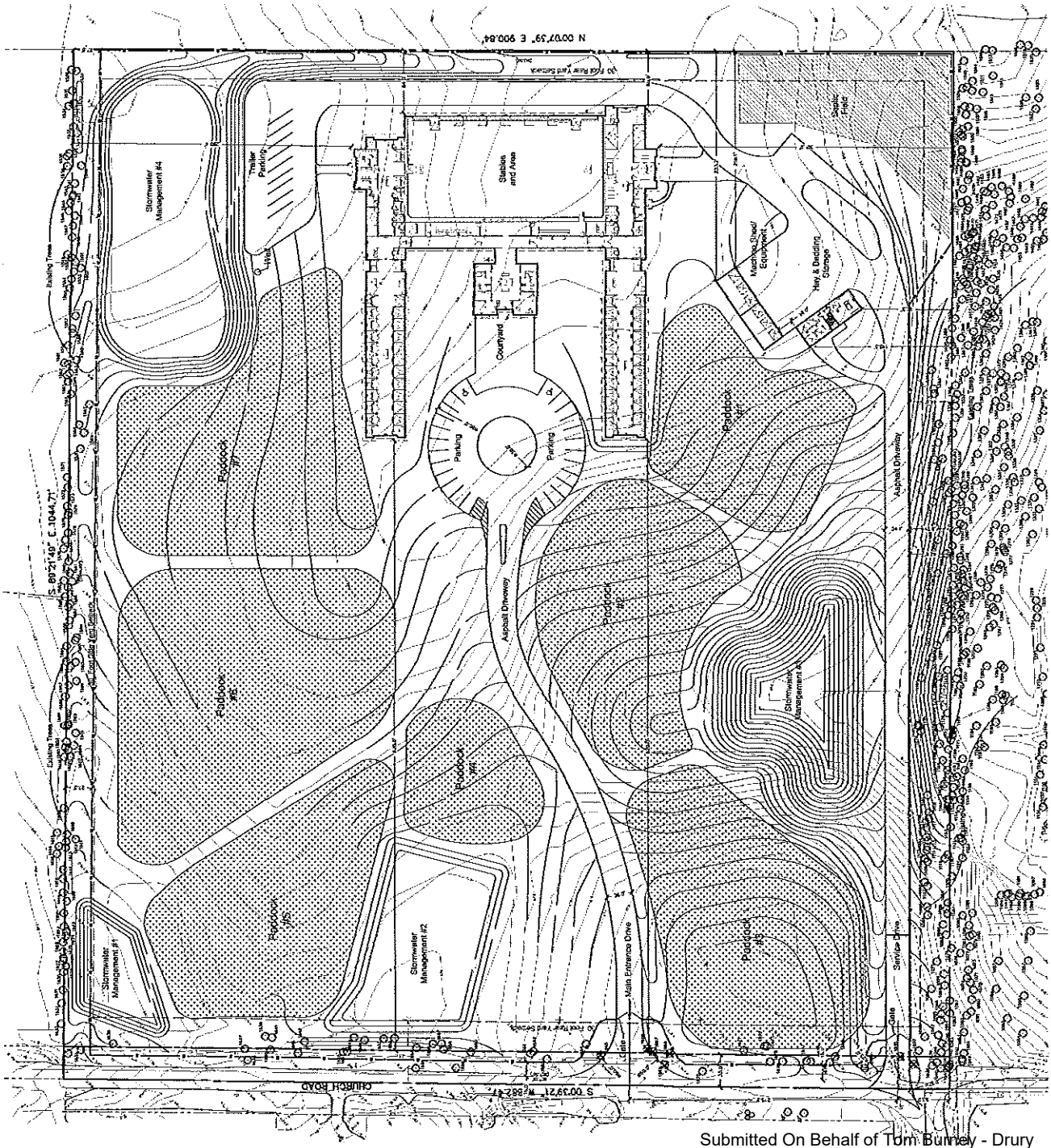
Communication: Application and Site Plan (Barrington Hills Farm - Equestrian Facility)

Legal Description:

THAT A PART OF THE DISTRICTS QUARTERS OF THE 1ST, 2ND, 3RD, 4TH, 5TH, 6TH, 7TH, 8TH, 9TH, 10TH, 11TH, 12TH, 13TH, 14TH, 15TH, 16TH, 17TH, 18TH, 19TH, 20TH, 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, 28TH, 29TH, 30TH, 31ST, 32ND, 33RD, 34TH, 35TH, 36TH, 37TH, 38TH, 39TH, 40TH, 41ST, 42ND, 43RD, 44TH, 45TH, 46TH, 47TH, 48TH, 49TH, 50TH, 51ST, 52ND, 53RD, 54TH, 55TH, 56TH, 57TH, 58TH, 59TH, 60TH, 61ST, 62ND, 63RD, 64TH, 65TH, 66TH, 67TH, 68TH, 69TH, 70TH, 71ST, 72ND, 73RD, 74TH, 75TH, 76TH, 77TH, 78TH, 79TH, 80TH, 81ST, 82ND, 83RD, 84TH, 85TH, 86TH, 87TH, 88TH, 89TH, 90TH, 91ST, 92ND, 93RD, 94TH, 95TH, 96TH, 97TH, 98TH, 99TH, 100TH, 101ST, 102ND, 103RD, 104TH, 105TH, 106TH, 107TH, 108TH, 109TH, 110TH, 111TH, 112TH, 113TH, 114TH, 115TH, 116TH, 117TH, 118TH, 119TH, 120TH, 121ST, 122ND, 123RD, 124TH, 125TH, 126TH, 127TH, 128TH, 129TH, 130TH, 131ST, 132ND, 133RD, 134TH, 135TH, 136TH, 137TH, 138TH, 139TH, 140TH, 141ST, 142ND, 143RD, 144TH, 145TH, 146TH, 147TH, 148TH, 149TH, 150TH, 151ST, 152ND, 153RD, 154TH, 155TH, 156TH, 157TH, 158TH, 159TH, 160TH, 161ST, 162ND, 163RD, 164TH, 165TH, 166TH, 167TH, 168TH, 169TH, 170TH, 171ST, 172ND, 173RD, 174TH, 175TH, 176TH, 177TH, 178TH, 179TH, 180TH, 181ST, 182ND, 183RD, 184TH, 185TH, 186TH, 187TH, 188TH, 189TH, 190TH, 191ST, 192ND, 193RD, 194TH, 195TH, 196TH, 197TH, 198TH, 199TH, 200TH, 201ST, 202ND, 203RD, 204TH, 205TH, 206TH, 207TH, 208TH, 209TH, 210TH, 211ST, 212ND, 213RD, 214TH, 215TH, 216TH, 217TH, 218TH, 219TH, 220TH, 221ST, 222ND, 223RD, 224TH, 225TH, 226TH, 227TH, 228TH, 229TH, 230TH, 231ST, 232ND, 233RD, 234TH, 235TH, 236TH, 237TH, 238TH, 239TH, 240TH, 241ST, 242ND, 243RD, 244TH, 245TH, 246TH, 247TH, 248TH, 249TH, 250TH, 251ST, 252ND, 253RD, 254TH, 255TH, 256TH, 257TH, 258TH, 259TH, 260TH, 261ST, 262ND, 263RD, 264TH, 265TH, 266TH, 267TH, 268TH, 269TH, 270TH, 271ST, 272ND, 273RD, 274TH, 275TH, 276TH, 277TH, 278TH, 279TH, 280TH, 281ST, 282ND, 283RD, 284TH, 285TH, 286TH, 287TH, 288TH, 289TH, 290TH, 291ST, 292ND, 293RD, 294TH, 295TH, 296TH, 297TH, 298TH, 299TH, 300TH, 301ST, 302ND, 303RD, 304TH, 305TH, 306TH, 307TH, 308TH, 309TH, 310TH, 311ST, 312ND, 313RD, 314TH, 315TH, 316TH, 317TH, 318TH, 319TH, 320TH, 321ST, 322ND, 323RD, 324TH, 325TH, 326TH, 327TH, 328TH, 329TH, 330TH, 331ST, 332ND, 333RD, 334TH, 335TH, 336TH, 337TH, 338TH, 339TH, 340TH, 341ST, 342ND, 343RD, 344TH, 345TH, 346TH, 347TH, 348TH, 349TH, 350TH, 351ST, 352ND, 353RD, 354TH, 355TH, 356TH, 357TH, 358TH, 359TH, 360TH, 361ST, 362ND, 363RD, 364TH, 365TH, 366TH, 367TH, 368TH, 369TH, 370TH, 371ST, 372ND, 373RD, 374TH, 375TH, 376TH, 377TH, 378TH, 379TH, 380TH, 381ST, 382ND, 383RD, 384TH, 385TH, 386TH, 387TH, 388TH, 389TH, 390TH, 391ST, 392ND, 393RD, 394TH, 395TH, 396TH, 397TH, 398TH, 399TH, 400TH, 401ST, 402ND, 403RD, 404TH, 405TH, 406TH, 407TH, 408TH, 409TH, 410TH, 411ST, 412ND, 413RD, 414TH, 415TH, 416TH, 417TH, 418TH, 419TH, 420TH, 421ST, 422ND, 423RD, 424TH, 425TH, 426TH, 427TH, 428TH, 429TH, 430TH, 431ST, 432ND, 433RD, 434TH, 435TH, 436TH, 437TH, 438TH, 439TH, 440TH, 441ST, 442ND, 443RD, 444TH, 445TH, 446TH, 447TH, 448TH, 449TH, 450TH, 451ST, 452ND, 453RD, 454TH, 455TH, 456TH, 457TH, 458TH, 459TH, 460TH, 461ST, 462ND, 463RD, 464TH, 465TH, 466TH, 467TH, 468TH, 469TH, 470TH, 471ST, 472ND, 473RD, 474TH, 475TH, 476TH, 477TH, 478TH, 479TH, 480TH, 481ST, 482ND, 483RD, 484TH, 485TH, 486TH, 487TH, 488TH, 489TH, 490TH, 491ST, 492ND, 493RD, 494TH, 495TH, 496TH, 497TH, 498TH, 499TH, 500TH, 501ST, 502ND, 503RD, 504TH, 505TH, 506TH, 507TH, 508TH, 509TH, 510TH, 511ST, 512ND, 513RD, 514TH, 515TH, 516TH, 517TH, 518TH, 519TH, 520TH, 521ST, 522ND, 523RD, 524TH, 525TH, 526TH, 527TH, 528TH, 529TH, 530TH, 531ST, 532ND, 533RD, 534TH, 535TH, 536TH, 537TH, 538TH, 539TH, 540TH, 541ST, 542ND, 543RD, 544TH, 545TH, 546TH, 547TH, 548TH, 549TH, 550TH, 551ST, 552ND, 553RD, 554TH, 555TH, 556TH, 557TH, 558TH, 559TH, 560TH, 561ST, 562ND, 563RD, 564TH, 565TH, 566TH, 567TH, 568TH, 569TH, 570TH, 571ST, 572ND, 573RD, 574TH, 575TH, 576TH, 577TH, 578TH, 579TH, 580TH, 581ST, 582ND, 583RD, 584TH, 585TH, 586TH, 587TH, 588TH, 589TH, 590TH, 591ST, 592ND, 593RD, 594TH, 595TH, 596TH, 597TH, 598TH, 599TH, 600TH, 601ST, 602ND, 603RD, 604TH, 605TH, 606TH, 607TH, 608TH, 609TH, 610TH, 611ST, 612ND, 613RD, 614TH, 615TH, 616TH, 617TH, 618TH, 619TH, 620TH, 621ST, 622ND, 623RD, 624TH, 625TH, 626TH, 627TH, 628TH, 629TH, 630TH, 631ST, 632ND, 633RD, 634TH, 635TH, 636TH, 637TH, 638TH, 639TH, 640TH, 641ST, 642ND, 643RD, 644TH, 645TH, 646TH, 647TH, 648TH, 649TH, 650TH, 651ST, 652ND, 653RD, 654TH, 655TH, 656TH, 657TH, 658TH, 659TH, 660TH, 661ST, 662ND, 663RD, 664TH, 665TH, 666TH, 667TH, 668TH, 669TH, 670TH, 671ST, 672ND, 673RD, 674TH, 675TH, 676TH, 677TH, 678TH, 679TH, 680TH, 681ST, 682ND, 683RD, 684TH, 685TH, 686TH, 687TH, 688TH, 689TH, 690TH, 691ST, 692ND, 693RD, 694TH, 695TH, 696TH, 697TH, 698TH,

Site Data:

Existing Site Area:	21.76 Acres (945,161 sq. ft.)
Leas Church Road Right-of-Way:	0.66 Acres (28,939 sq. ft.)
Net Site Area:	21.00 Acres (916,222 sq. ft.)
Existing Zoning:	A-1 Agricultural District
Proposed Zoning:	A-1 Agricultural District
setbacks:	30 Feet
Street (Front Yard) Setback:	30 Feet
Side Yard Setback:	30 Feet
Rear Yard Setback:	30 Feet

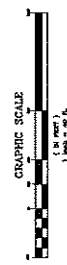
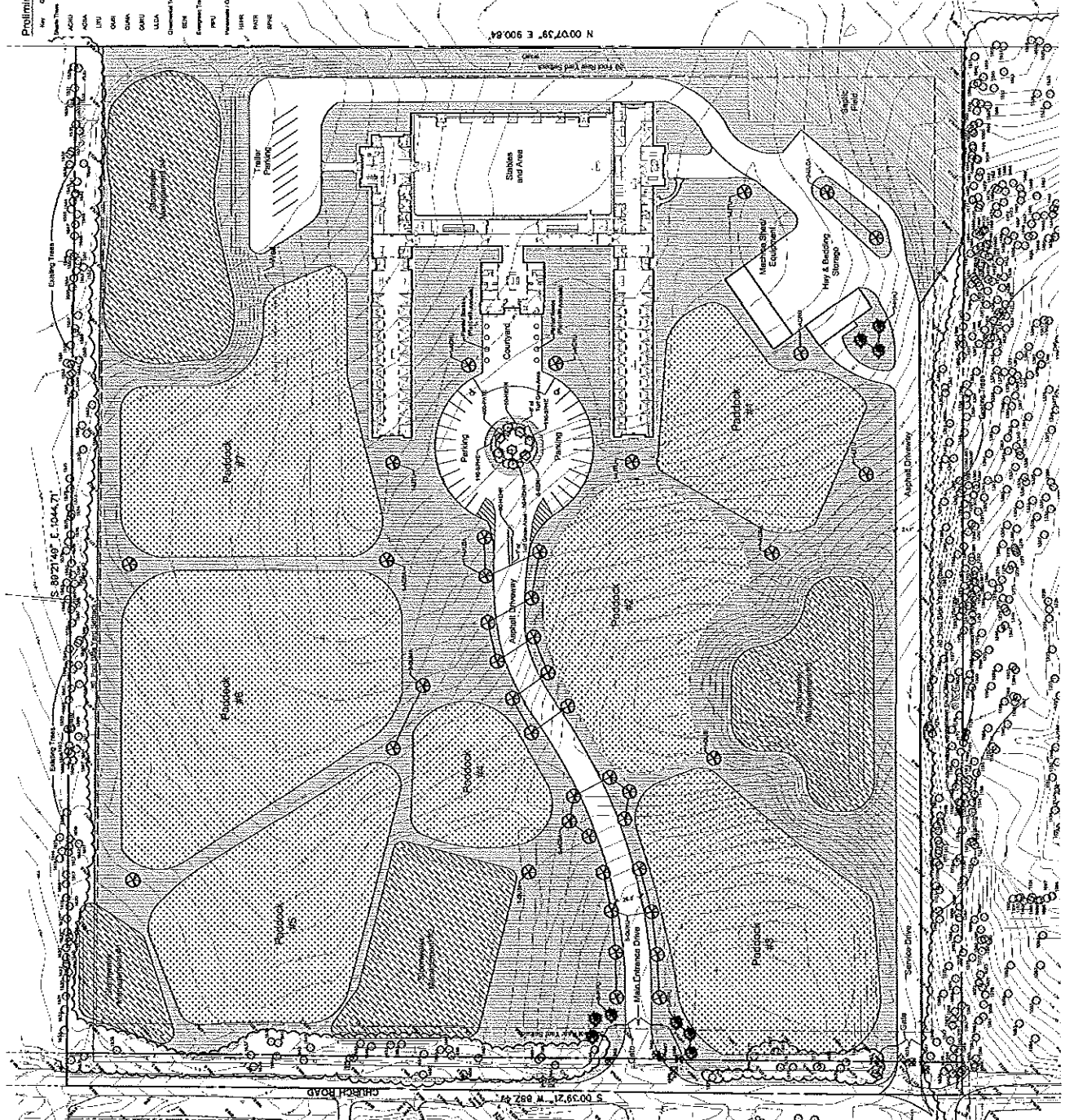


Submitted On Behalf of Tom Burney - Drury

Preliminary Plant List:

Qty	Plant Name	Comments
1	RED MAPLE	See notes
2	GREEN HAWTHORN	See notes
3	DOGWOOD	See notes
4	YUCCA	See notes
5	SPRING BURNING BUSH	See notes
6	DOGWOOD	See notes
7	DOGWOOD	See notes
8	DOGWOOD	See notes
9	DOGWOOD	See notes
10	DOGWOOD	See notes
11	DOGWOOD	See notes
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100	DOGWOOD	See notes

- Turf Area
- Stormwater Pond / Wet Area
- Paved Area



Manhard
CONSULTING LTD.
10000 14th Avenue, Suite 100, Calgary, Alberta T2C 1A4
Tel: (403) 243-1111
Fax: (403) 243-1112
Email: info@manhard.ca
Website: www.manhard.ca

Barrington Hills Farm
McHenry County, Illinois
Preliminary Landscape Plan

NO.	DATE	REVISION
1	10/10/10	ISSUED FOR PERMIT

BLACKBURN
ARCHITECTS, P.C.
10000 10th Avenue, Suite 100
Barrington Hills, IL 60010
Tel: 847.581.1000
Fax: 847.581.1001
www.blackburnarchitects.com

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Barrington Hills Farm
Horsed Animal Rescue &
Protection Society

PROJECT No.: 213020.00
DATE: March 6, 2010
DRAWN BY: CV
CHECKED BY: CL

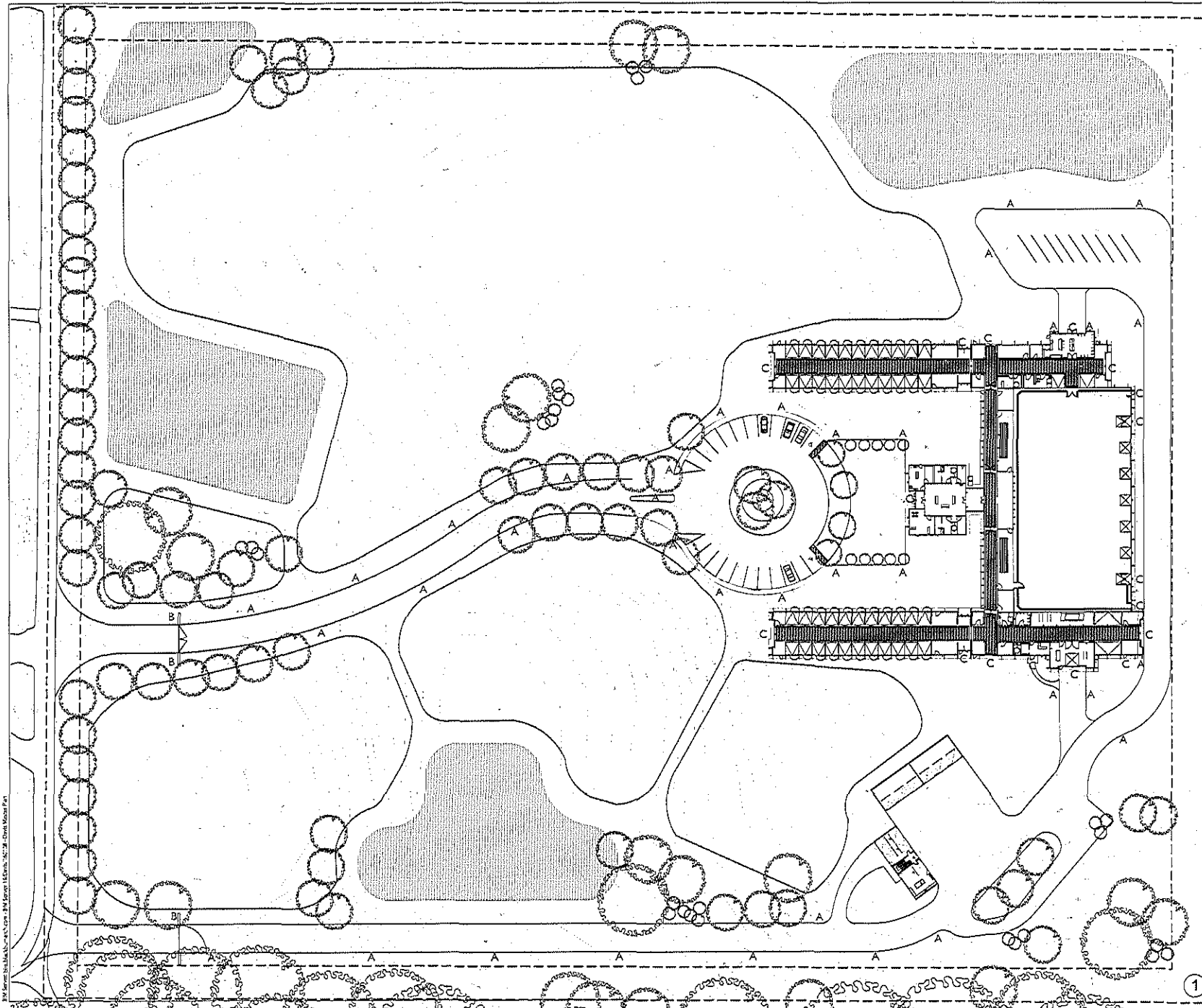
50% CONSTRUCTION
DOCUMENTS

DESIGNER'S STAMP

NOT FOR
CONSTRUCTION

Consultation, Application and Permitting: Barrington Hills Farm - Horsed Animal Society

Barrington Hills Farm - Horsed Animal Society - 2010 Project - 10000 10th Avenue, Suite 100, Barrington Hills, IL 60010



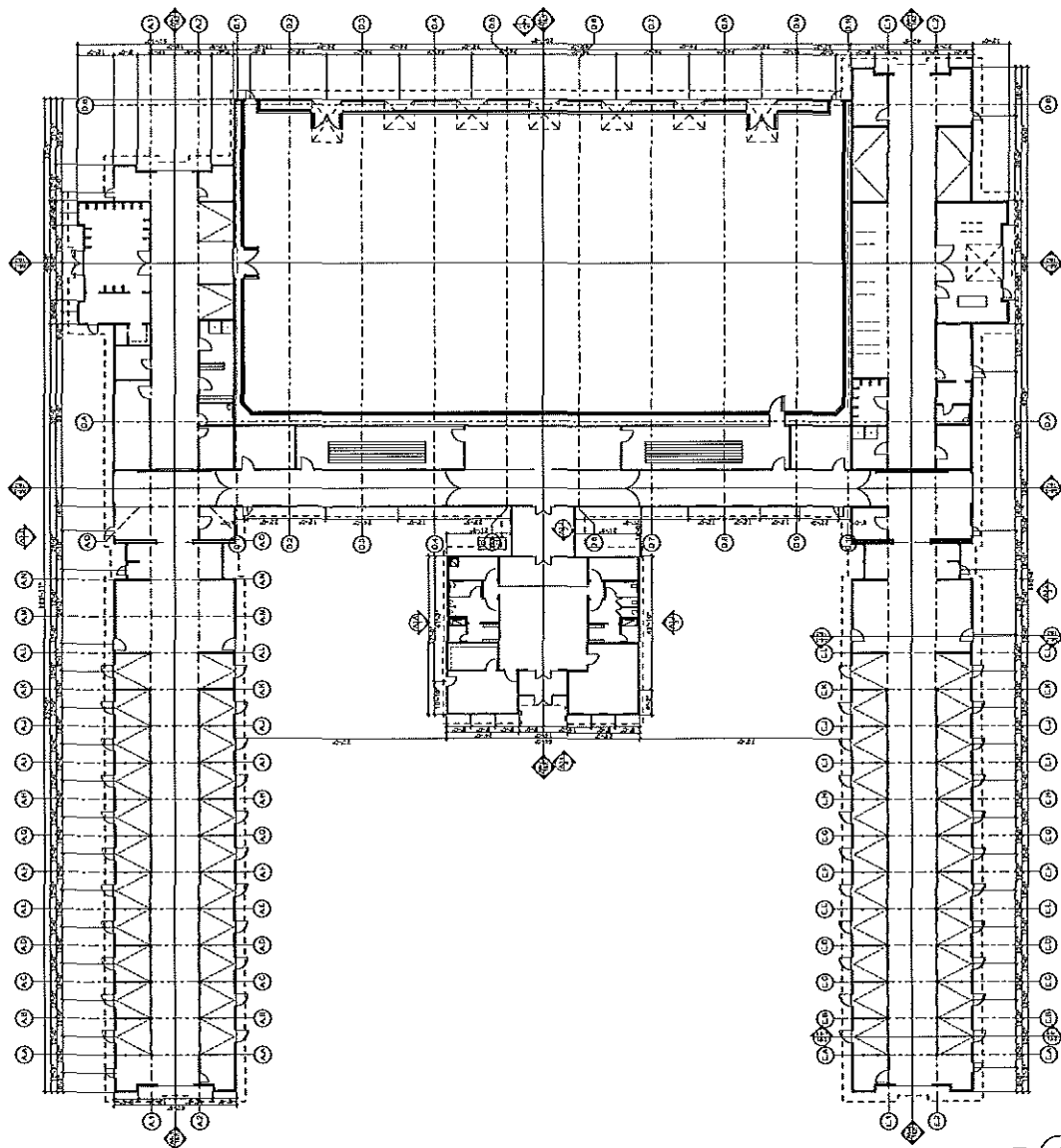
- Key**
- A Path Bollard
 - B Signpost Light
 - C Building Source

Rev	Date	Description
02/05/10	50% PROGRESS SET	

TITLE
Lighting

SHEET NUMBER
A15.1

1 MASTER SITE PLAN
SCALE: 1/8" = 1'-0"



1 STABLE & ARENA

FLOOR PLAN NOTES

1. SEE SHEET A1-2 FOR GENERAL NOTES & DETAILS.
2. SEE SHEET A1-3 FOR GENERAL NOTES & DETAILS.
3. SEE SHEET A1-4 FOR GENERAL NOTES & DETAILS.
4. SEE SHEET A1-5 FOR GENERAL NOTES & DETAILS.
5. SEE SHEET A1-6 FOR GENERAL NOTES & DETAILS.
6. SEE SHEET A1-7 FOR GENERAL NOTES & DETAILS.
7. SEE SHEET A1-8 FOR GENERAL NOTES & DETAILS.
8. SEE SHEET A1-9 FOR GENERAL NOTES & DETAILS.
9. SEE SHEET A1-10 FOR GENERAL NOTES & DETAILS.
10. SEE SHEET A1-11 FOR GENERAL NOTES & DETAILS.
11. SEE SHEET A1-12 FOR GENERAL NOTES & DETAILS.
12. SEE SHEET A1-13 FOR GENERAL NOTES & DETAILS.
13. SEE SHEET A1-14 FOR GENERAL NOTES & DETAILS.
14. SEE SHEET A1-15 FOR GENERAL NOTES & DETAILS.
15. SEE SHEET A1-16 FOR GENERAL NOTES & DETAILS.
16. SEE SHEET A1-17 FOR GENERAL NOTES & DETAILS.
17. SEE SHEET A1-18 FOR GENERAL NOTES & DETAILS.
18. SEE SHEET A1-19 FOR GENERAL NOTES & DETAILS.
19. SEE SHEET A1-20 FOR GENERAL NOTES & DETAILS.
20. SEE SHEET A1-21 FOR GENERAL NOTES & DETAILS.
21. SEE SHEET A1-22 FOR GENERAL NOTES & DETAILS.
22. SEE SHEET A1-23 FOR GENERAL NOTES & DETAILS.
23. SEE SHEET A1-24 FOR GENERAL NOTES & DETAILS.
24. SEE SHEET A1-25 FOR GENERAL NOTES & DETAILS.

FLOOR PLAN LEGEND

- 1. SEE SHEET A1-2 FOR GENERAL NOTES & DETAILS.
- 2. SEE SHEET A1-3 FOR GENERAL NOTES & DETAILS.
- 3. SEE SHEET A1-4 FOR GENERAL NOTES & DETAILS.
- 4. SEE SHEET A1-5 FOR GENERAL NOTES & DETAILS.
- 5. SEE SHEET A1-6 FOR GENERAL NOTES & DETAILS.
- 6. SEE SHEET A1-7 FOR GENERAL NOTES & DETAILS.
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- 9. SEE SHEET A1-10 FOR GENERAL NOTES & DETAILS.
- 10. SEE SHEET A1-11 FOR GENERAL NOTES & DETAILS.
- 11. SEE SHEET A1-12 FOR GENERAL NOTES & DETAILS.
- 12. SEE SHEET A1-13 FOR GENERAL NOTES & DETAILS.
- 13. SEE SHEET A1-14 FOR GENERAL NOTES & DETAILS.
- 14. SEE SHEET A1-15 FOR GENERAL NOTES & DETAILS.
- 15. SEE SHEET A1-16 FOR GENERAL NOTES & DETAILS.
- 16. SEE SHEET A1-17 FOR GENERAL NOTES & DETAILS.
- 17. SEE SHEET A1-18 FOR GENERAL NOTES & DETAILS.
- 18. SEE SHEET A1-19 FOR GENERAL NOTES & DETAILS.
- 19. SEE SHEET A1-20 FOR GENERAL NOTES & DETAILS.
- 20. SEE SHEET A1-21 FOR GENERAL NOTES & DETAILS.
- 21. SEE SHEET A1-22 FOR GENERAL NOTES & DETAILS.
- 22. SEE SHEET A1-23 FOR GENERAL NOTES & DETAILS.
- 23. SEE SHEET A1-24 FOR GENERAL NOTES & DETAILS.
- 24. SEE SHEET A1-25 FOR GENERAL NOTES & DETAILS.

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Baringsville, Illinois
Horseshoe Bend
Preservation Society

PROJECT NO: 2100000
DATE: 01/04/11
DRAWN BY: J. C.
CHECKED BY: J. C.
50% CONSTRUCTION
DOCUMENTS
DESIGNER'S SEAL

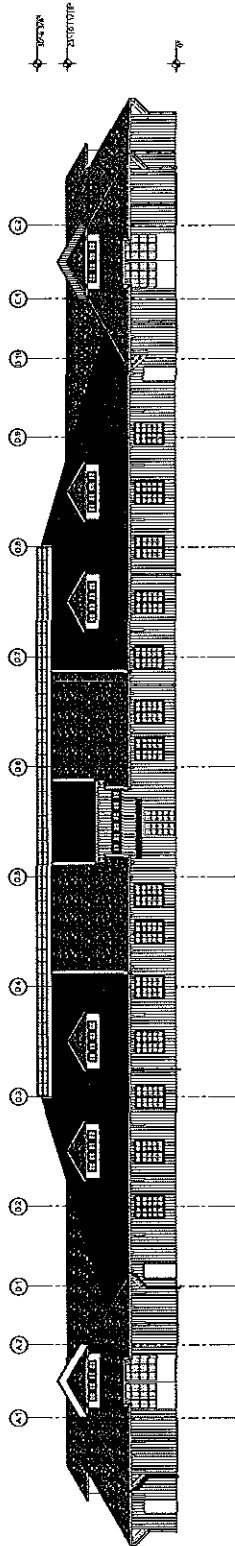
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CONSTRUCTION

Communication: Application and Initial Plans, Designation: Initial Plans - 50% Construction Documents

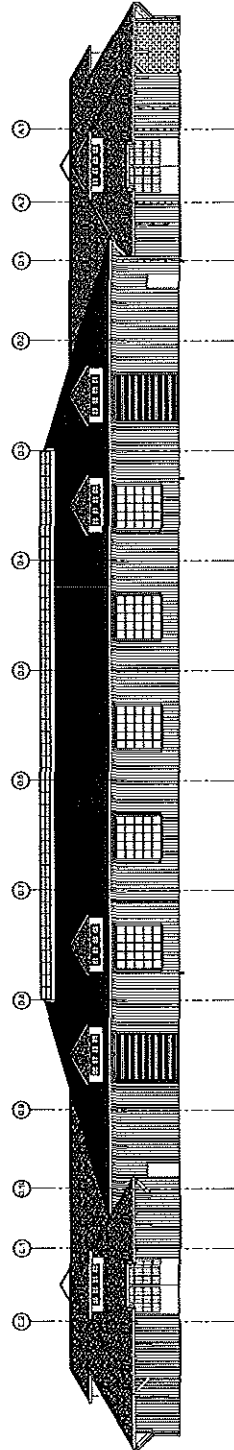
DATE: 01/04/11
DRAWN BY: J. C.
CHECKED BY: J. C.
50% CONSTRUCTION
DOCUMENTS

ELEVATIONS

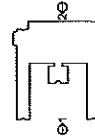
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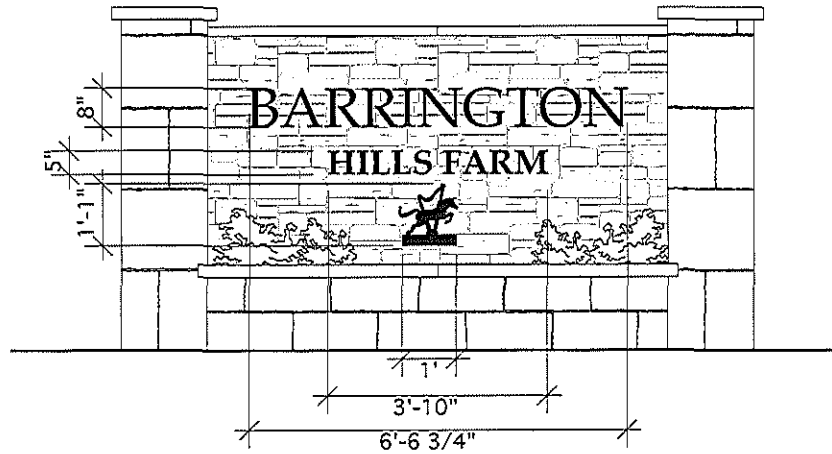


1 West Elevation
SCALE: 3/8" = 1'-0"

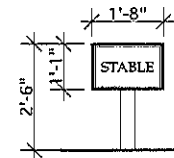


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SCALE: 3/8" = 1'-0"

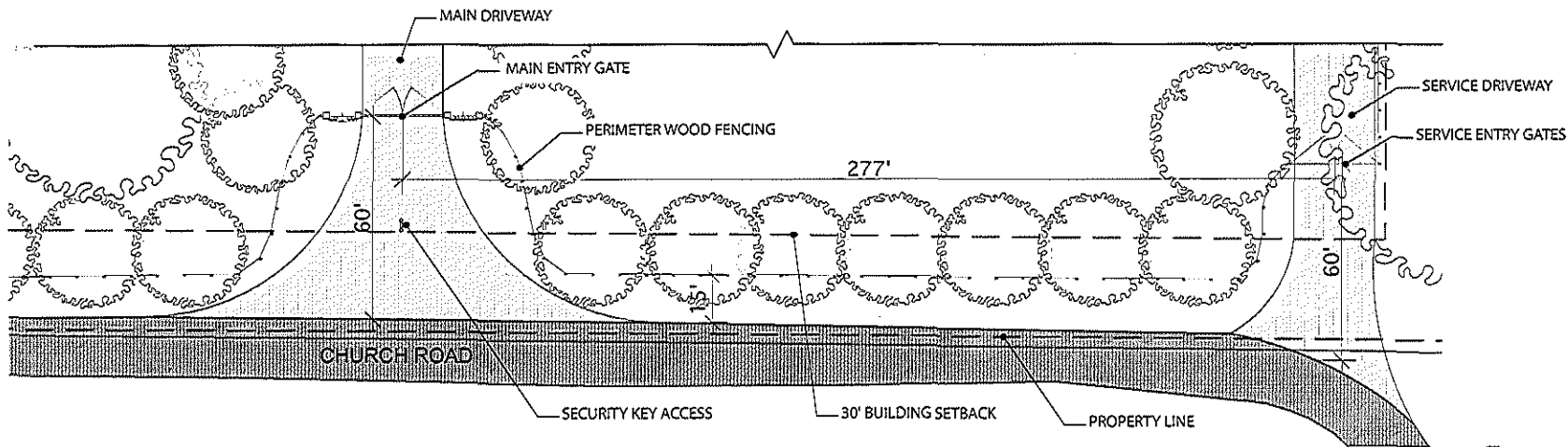




③ MAIN ENTRY GATE/SIGN DETAILED ELEVATION
SCALE: 1/8\"/>



② DIRECTIONAL SIGN
SCALE: 3/8\"/>



① ENTRY SITE PLAN DETAIL
SCALE: 1/16\"/>

BLAC **4A-1**
ARCHITECTS, P.C.

1000 N. STREET NW
WASHINGTON, DC 20036
Tel: 202-337-1715
Fax: 202-337-5271

Barrington Hills Farm
2790 Spring Creek Rd
Barrington Hills, IL 60010
PROJECT No: 215020.00
DATE: SEPTEMBER 1, 201
DRAWN BY: CV
CHECKED BY: CL

50% CONSTRUCTION
DOCUMENTS
DESIGNER'S STAMP

**NOT FOR
CONSTRUCTION**

CLIENT
BARRINGTON HILLS FARM
2790 SPRING CREEK RD
BARRINGTON HILLS, IL 60010

DESIGNER
JOHN A. BLACKBURN ARCHITECT
1820 N STREET NW
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Fax: 300-000-0000

STRUCTURAL ENGINEER
PLATE ENGINEERING & ASSOCIATES, LLC
14 EXECUTIVE COURT
SOUTH BARRINGTON, IL 60010
Tel: 847-943-4350

ASD ENGINEER
THE ENGINEERING GROUP, INC.
700 LEE STREET SUITE 510
DES PLAINES, IL 60016
Tel: 847-793-6810

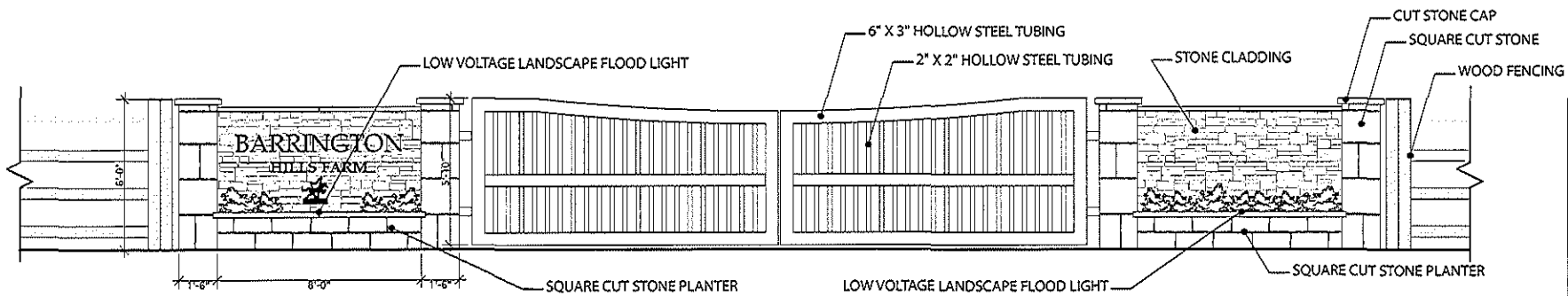
GEOTECHNICAL ENGINEER
NAME
ADDRESS
CITY, STATE, ZIP
Tel: 300-000-0000
Fax: 300-000-0000

Rev. Date Description
09/16/13 50% SUBMITTAL

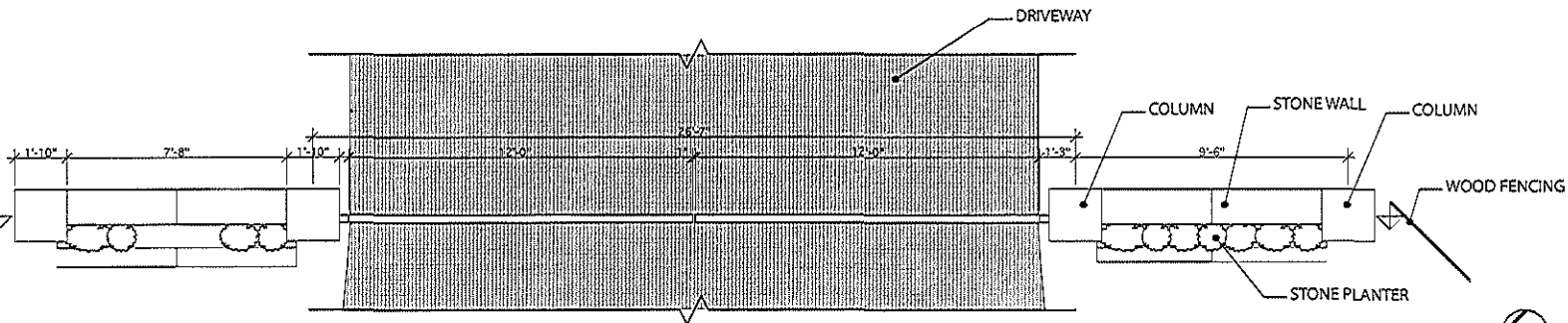
TITLE
ENTRY SIGNAGE PL
AND DETAILS

SHEET NUMBER
A01
Packet Pg. 19

Communication: Application and Site Plan (Barrington Hills Farm - Equestrian Facility)



2 MAIN ENTRY GATE/SIGN ELEVATION
SCALE: 1/2\"/>



1 MAIN ENTRY GATE/SIGN PLAN
SCALE: 1/2\"/>

BLAC
ARCHITECTS, P.C.

2790 Spring Creek Rd
Barrington Hills, IL 60015
PROJECT No: 215000.00
DATE: SEPTEMBER 1, 2011
DRAWN BY: CV
CHECKED BY: CL
50% CONSTRUCTION DOCUMENTS

Barrington Hills Farm

2790 Spring Creek Rd
Barrington Hills, IL 60015

PROJECT No: 215000.00
DATE: SEPTEMBER 1, 2011
DRAWN BY: CV
CHECKED BY: CL

50% CONSTRUCTION DOCUMENTS

DESIGNER'S STAMP

NOT FOR
CONSTRUCTION

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MEP ENGINEER
THE ENGINEERING STUDIO, INC
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OIL PLAIN, IL 60458
Tel: 847-793-8510

GEOTECHNICAL ENGINEER
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Fax: 300-000-0000

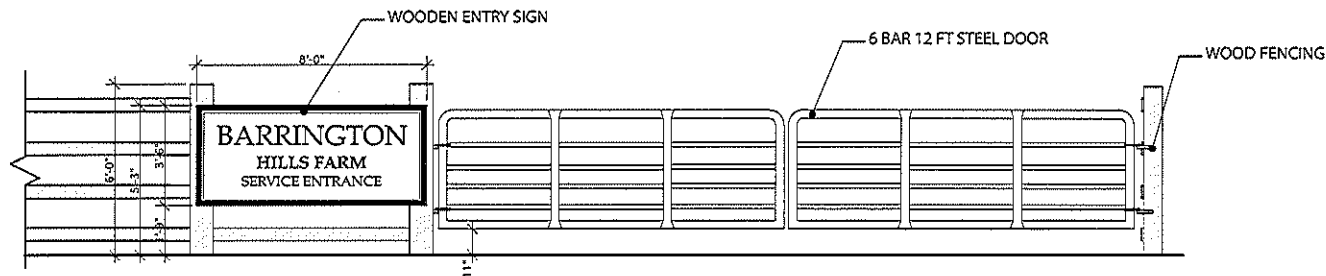
Rev	Date	Description
01/16/15		50% SUBMITTAL

TITLE
MAIN ENTRY GATE/S
DETAIL

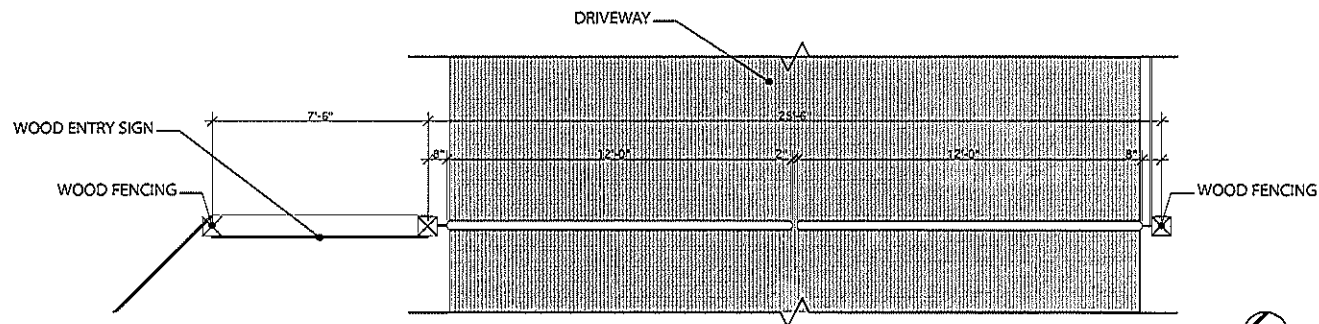
SHEET NUMBER

A82
Packet Pg. 20

Communication: Application and Site Plan (Barrington Hills Farm - Equestrian Facility)



2 SERVICE ENTRY GATE/SIGN ELEVATION
SCALE: 1/2" = 1'-0"



1 SERVICE ENTRY GATE/SIGN PLAN
SCALE: 1/2" = 1'-0"

BLAC 4A.1
ARCHITECTS, P.C.

2700 Spring Creek Rd
Barrington Hills, IL 60010
Tel: 847-482-4939
Fax: 847-482-4939

Barrington Hills Farm
2700 Spring Creek Rd
Barrington Hills, IL 60010
PROJECT No: 21502000
DATE: SEPTEMBER 1, 2011
DRAWN BY: CY
CHECKED BY: CL

50 % CONSTRUCTION
DOCUMENTS

DESIGNER'S STAMP

NOT FOR
CONSTRUCTION

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2700 SPRING CREEK RD
BARRINGTON HILLS, IL 60010

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MVP ENGINEER
THE ENGINEERING STUDIO, INC
791 LAKE STREET SUITE 210
DAYS PLAINFIELD, IL 60014
Tel: 847-793-0810

SEVENTEENTH ENGINEER
NAME:
ADDRESS:
CITY, STATE ZIP:
Tel: 300-000-0000
Fax: 300-000-0000

Rev	Date	Description
08/18/11	50 % SUBMITTAL	

TITLE
SERVICE ENTRY GATE
SIGN DETAIL

SHEET NUMBER

A8.3
Packet Pg. 21

Communication: Application and Site Plan (Barrington Hills Farm - Equestrian Facility)



McHenry County
Department of Planning and Development

www.co.mchenry.il.us/plandev

OFFICE: McHenry County Admin. Bldg.
 667 Ware Road, Woodstock, Illinois

MAIL: 2200 N. Seminary Ave.
 Woodstock, Illinois 60098

EMAIL: plandev@co.mchenry.il.us
 P: 815-334-4560 F: 815-337-3720

MEMORANDUM

FROM: McHenry County Planning & Development – Water Resources Division (JSC)
 TO: Dennis Sandquist
 DATE: April 14, 2016
 REGARDING: Staff Plat Review Committee Comments - Barrington Hills Farm Equestrian Facility

Based on my review of the provided information for the Staff Plat Review Committee Meeting on April 20, 2016, I have the following comments based on the McHenry County Stormwater Management Ordinance (SMO):

1. As currently submitted, Water Resources has no comments on the submittal.

Additional comments may likely be generated once a full plan set and stormwater calculations are received. If revisions to the site plan are necessary based on other department comments (e.g., environmental health) additional comments may be generated.

For future submittals based on SMO requirements, please keep the following comments in mind:

1. A statement shall be submitted, which is signed by the licensed professional engineer that prepared the development plans, rendering an opinion that the development plans meet the minimum requirements of the Stormwater Management Ordinance. (Article V, Section E.3.a)
2. A full soil erosion and sediment control plan, including details and standard notes, shall be included in the submittal. Please note the area of disturbance will be greater than one acre, so a ILR10 permit from the IEPA will be required.
3. A permit or other documentation from the Village of Barrington Hills allowing the construction of two entrances off Church Road.
4. A drain tile survey for the site shall be submitted. Observation wells, or similar structures for inspecting and maintaining drain tiles, shall be installed at any point where an existing drain tile flows into or out of a development site. Maintenance access shall be provided to the observation well through a deed or plat restriction for regulated development disturbing 5 acres or more. (Article VI, Section B.3.e)
5. The total calculated release rate shall account for all detention basins and all disturbed, undetained areas (southern portion of the site adjacent Stormwater Basin #3 and adjacent Church Road). All releases shall be less than or equal to either of the options below, whichever is more restrictive:
 - a. The existing conditions peak runoff rate, or

Communication: Stormwater Comments (Barrington Hills Farm - Equestrian Facility)

Staff Plat Review Committee Comments – Barrington Hills Farm Equestrian Facility
April 14, 2016
Page 2

- b. 0.04 cfs/ac for the 2-year, 24-hour storm and 0.15 cfs/ac for the 100-year, 24-hour storm.
6. Provide documentation as to the methodology used to design the stormwater detention basins. The NIPC chart in Appendix 6 of the SMO utilizes different parameters to calculate volumes.
7. Provide documentation as to how the site will maintain a B type soil throughout the site while the design shows some areas of fill volume greater than five feet. Alternatively, provide revised calculations showing increasing the soil type to a C soil in the mass graded areas.
8. Verify the presence of depressional storage on the southern edge of the development near Stormwater Basin #3. Compensatory storage for flood storage volume lost shall be accounted for in either a detention basin or a new depressional storage area.
9. Recorded deed/plat restrictions will be required for all wetlands and buffers throughout the development, if present.
10. A recorded maintenance plan will be required for all wetlands, buffers and the stormwater management system throughout the development, as necessary.
11. Please note, as-built plans will be required for the stormwater management facilities.

Communication: Stormwater Comments (Barrington Hills Farm - Equestrian Facility)



McHenry County
Department of Planning and Development

OFFICE: McHenry County Admin. Bldg.
 667 Ware Road, Woodstock, Illinois

MAIL: 2200 N. Seminary Ave.
 Woodstock, Illinois 60098

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EMAIL: plandev@co.mchenry.il.us
 P: 815-334-4560 F: 815-337-3720

Barrington Hills Farm "Horse Stable/Animal Care Shelter/Horse Arena"

Zoning Enforcement Officer Site Plan Review
 Staff Plat Review Committee
 April 20, 2016

Existing Conditional Use Permit Standards

☒ Not applicable.

General Site Plan Review Standards

(UDO Article 5)

☒ No comments.

Overlay District Standards

(UDO Article 13)

Project is within the SARA Overlay district. About 40% of the site contains soils identified by the SARA map as having a high potential for aquifer contamination.

☒ "The maximum impervious surface coverage is limited to... 50%" (13.3.E.2). The proposed development will result in less than 20% impervious surface.

Use Standards

(UDO Article 14)

The project consists of four uses in combination: Horse Stable, Horse Arena, Animal Care Shelter, Residence—only one of which, Horse Stable, has any specific standards in the UDO.

Standards related to horses are restricted to minimum parcel size requirements (14.3.V. and 14.5.G).

☒ Minimum parcel size (5 acres) is met allowing for the keeping of horses (without limit as to the number) as well as erection of a horse stable and other equestrian facilities.

There is a two-bedroom residence identified in the project narrative for caretakers.

☒ This use is allowed because the residence is present only to support the agricultural use. Therefore, the residence is deemed to be an extension of the agricultural use of the property.

Required setbacks for structures are met, with the exception of the fence along Church Road.

☒ The fence along Church Road is shown inside the right-of-way. This is prohibited under Section 14.5.H.3.b.

* Section 14.5.H.3.a requires that "the finished side of all fences shall face away from the lot or parcel on which it is located."

☒ =Standard is satisfied ☒ =Standard is not satisfied ◇ =More information needed * =Reminder/advisory

Site Development Standards**(UDO Article 15)**

- ☒ Exterior lighting is identified on the site plan and shown as fully shielded meeting the standards of Section 15.2.A.

Parking**(UDO Article 16)**

- ☒ There are parking space minimums for offices and animal care shelters. A rough estimate of those portions of the building came to 19 spaces. The site plan provides for 24 spaces, including 2 handicap spaces. There are no specific parking requirements for horse stables. (Table 16-1)
- ☒ Aisle width and stall depth sufficient for head-in parking. (Figure 16-1)
- ☐ Stall width not able to be calculated. Minimum 9 feet. (Figure 16-1)

Landscaping and Screening**(UDO Article 17)**

- ☒ Parking lot perimeter landscape is not required as the lot does not abut a public street. (17.6.)
- ☒ Interior parking lot landscape is not required as the property is in an agricultural zoning district. (17.7)

Signs**(UDO Article 18)**

- ☒ Two signs proposed. Each is in compliance with height, square footage, spacing requirements, and front lot line setbacks. (Table 18-1 and 18.11.B) Note: Sign permits will be required.
- ☒ Sign at the service entrance meets the definition of 'pole ground sign,' which is not allowed to be externally illuminated. (18.11.B.4.) Lowering the bottom of the sign to no more than 18" above grade will make this a 'monument ground sign,' which does allow for external illumination.

Communication: Planning Comments (Barrington Hills Farm - Equestrian Facility)



McHenry County
Department of Planning and Development

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4.A.4

MEMORANDUM

To: Darrell Moore
From: Adam P. Wallen, Building Enforcement Officer
Date: April 15, 2016
Re: Staff Plat Review Committee Comments – Barrington Hills Farm HARPS

Based on my review of the information provided for the Staff Plat Review Committee Meeting on April 20, 2016, I offer the following comments based on the Building Codes and Amendments adopted by McHenry County:

Barrington Hills Farm HARPS

- 1) The allowable height and building areas will be dictated by **[2006 IBC Table 503]**. The apparent gross square footage of the primary facility is approximately 38,600-sf. The potential for Mixed Use and Occupancy Classifications would reduce the subject area but likely require separation of occupancies, see notes below. Where in excess of the allowable floor areas appropriate separation OR a fire suppression system will be required. The follow information determines compliance with section 503:
 - a. Based on the documents submitted, the most apparent (Use and Occupancy) Classification **[2006 IBC 302]** for the 40-stall horse barn, associated riding arena, clinic and associated support spaces is a Mixed Use and Occupancy **[2006 IBC 508]** consisting of Business Group B (14,848-sf), Storage Group S1/2 (3,712-sf), & Assembly A-4 (20,040-sf).
 - b. **[2006 IBC 602]** Construction Classification. The typical construction is list but not classified. See IBC Table 601:

2006 IBC TABLE 601 FIRE-RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS (hours)

BUILDING ELEMENT	TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
	A	B	A ^e	B	A ^e	B	HT	A ^e	B
Structural frame ^a	3 ^b	2 ^b	1	0	1	0	HT	1	0
Bearing walls									
Exterior ^e	3	2	1	0	2	2	2	1	0
Interior	3 ^b	2 ^b	1	0	1	0	1/HT	1	0
Nonbearing walls and partitions	See Table 602								
Exterior									
Nonbearing walls and partitions									
Interior ^f	0	0	0	0	0	0	See Section 602.4.6	0	0
Floor construction									
Including supporting beams and joists	2	2	1	0	1	0	HT	1	0
Roof construction									
Including supporting beams and joists	1 1/2 ^c	1 ^{c,d}	1 ^{c,d}	0 ^d	1 ^{c,d}	0 ^d	HT	1 ^{c,d}	0

- c. Required separations shall be located in plan, detailed for the specific application and by the associated UL listing.
- 2) The electrical service to for the property and each structure will require detailed definition and specifications.
 - a. Given the distance from the road and likely demand throughout the site the services will be extensive. The main service from the utility company, transformer, distribution cabinet, and service feeds to each facility/load shall be located, specified, and accurately maintained throughout the project for final records.
- 3) All publically accessible buildings; places of employment or visitors shall be compliant with the Illinois Accessibility Code.
- 4) The number of plumbing fixtures for men and women shall comply with the Illinois Plumbing Code.
 - a. Employee Toilet Room Facilities.
- 5) Wash Stalls, isolation stalls, and other rooms of similar that require floor drains may require additional components such as traps, filters, or special waste holding due to the nature of the use.
 - a. Coordination with the McHenry County Department of Health and the Septic Designer may be required to identify the final system requirements and components. These modified systems and/or components shall be compliant with the Illinois Plumbing Code.
- 6) The Fox River Grove Fire District will conduct a review concurrent to the building permit application. Additional comments resulting from the Fire District's adopted ordinances may result.
- 7) The vehicle garage with a second floor dwelling unit for staff care takers would require Use and Occupancy Classification.
 - a. If the permanent use is related to the support of services required of the primary building, it would like be identified as **[2006 IBC 310] Residential Group R-2**.
 - b. If unassociated with the support and services of the primary building the apartment would classified as a single family dwelling unit and regulated by the International Residential code.
 - i. The current ordinance would require reconfiguration of the dwelling to comply with the following:
 1. **[2006 IRC 304.1.1-O]** The minimum livable ground floor area of a single-family residence shall be no less than eight-hundred (800) square feet.

GENERAL PERMIT CONSIDERATIONS

- 1) All construction documents submitted for permits shall be prepared by a design professional licensed in the State of Illinois. That architect of record or engineer of record will be required to certify modifications to the scope and any close out documents.
- 2) Permit submittals shall demonstrate compliance with the current building codes and amendments adopted by McHenry County. The adopted codes currently adopted are:
 - a. 2006 International Building Code
 - b. 2006 International Mechanical Code

- c. 2006 International Fire Code
- d. 2008 National Electric Code
- e. The Illinois Plumbing Code
- f. The Illinois Accessibility Code
- g. The Illinois Energy Conservation Code (2015 International Energy Efficiency Code)

Communication: Building Comments (Barrington Hills Farm - Equestrian Facility)

Robert Abboud Involvement in Schuman Letter

From: Cblecompte@
Sent: Sunday, February 20, 2011 3:21 PM
To: David Stieper
Subject: Fwd: Abboud letter 3

David, also relative to the below, it would be helpful if you, being chairman of the Planning Commission, could help persuade Bobby on this issue. Thanks.
Berry

—Original Message—

From: Cblecompte@
To: [david@](#)
Sent: Sun, Feb 20, 2011 2:04 pm
Subject: Fwd: Abboud letter 3

David, below is a note to Steve Knoop regarding a prototype letter that I have proposed from Bobby Abboud. Give me a call with your thoughts if you have a chance. Thanks.
Berry

—Original Message—

From: Cblecompte@
To: [sknoop@](#) ; [cblecompte@](#)
Sent: Sun, Feb 20, 2011 2:01 pm
Subject: Fwd: Abboud letter 3
February 20, 2011

Dear Steve,

Yesterday Paddy McKevitt spent about three hours talking to Bobby Abboud about the horse boarding and training issue and, in particular, the potential negative effect Drury's and McLaughlin's suit against me could have on the entire Village if it is forced to shut down other barns. Apparently, Bobby asked Paddy what he wanted him to do, and Paddy told him, in no uncertain terms, that the Village needed to get involved in my case, which thus far Wambach has refused to do.

As you may know, effective last Monday, February 14, 2011, while we are awaiting the appellate courts decision on our agricultural status, we changed our operational procedures at Oakwood to bring the barn into compliance with the home occupation provision, pursuant to section 5-3-4(D)3(g) of the Village code.

We notified the Village and Wambach of our change, but Wambach, in his written response, refused to acknowledge our compliance. Legally, we are clearly compliant with the home occupation provision of the code at this time, and there is absolutely no valid reason for the Village not to acknowledge such.

We will be in court on Tuesday and file a motion to dismiss the Drury- McGlaughlin suit, pursuant to multiple provisions within The Illinois Code of Civil Procedure; however, based on our compliance with the code at this time, we are asking them for a voluntary dismissal or, alternatively, run the risk of being charged with a Supreme Court rule 137 violation. While at this time, they are not willing to do so,

I believe that a letter from Bobby, stating our compliance with the home occupation provision, not the agricultural provision that is now before the appellate court, would put significant pressure on them to voluntarily dismiss, or risk the 137 sanctions.

Below is a prototype letter that I drafted, with Paddy's encouragement, from Bobby to me that addresses the pertinent issues, which obviously Bobby is free to change as he deems appropriate, as long as the the substance remains essentially the same.

Hopefully, if you agree with my position, you can help persuade Bobby that this is, not only helpful to me, but more importantly, in the Village's best interest as well.

While I am currently in Scottsdale until later tonight, if you would like to discuss this with me please don't hesitate to call my cell, 847.

Thanks for any help you can provide.

Sincerely,
Berry

From: Cathleen LeCompte
To: Ken Michaels
Sent: Sun, Feb 20, 2011 11:25 am
Subject: Fwd: Abboud letter

This is a copy of the letter that berry drafted for abboud to send to us.

Cathleen LeCompte

Begin forwarded message:
From: "Cblecompte@"
Date: February 20, 2011 11:12:23 AM MST
To: cblecompte@
Subject: Abboud letter

Village of Barrington Hills
Barrington Hills, Illinois 60010
February 20, 2011
Benjamin B. LeCompte, III, MD
Oakwood Farm
350 Bateman Road
Barrington Hills, Illinois 60010

Dear Dr. LeCompte:

I am in receipt of your correspondence of 2/14/2011 and your attorney's letter of 2/15/2011 to the Village attorney, Doug Wambach, as well as Mr. Wambach's response of 2/15/11. Furthermore, I appreciate your additional clarification of the present situation at Oakwood Farm. As you are aware, the Village has and continues to take the position that boarding and training horses is not an agricultural purpose based on the Village's definition of agriculture, and therefore, is not covered by section 5-3-4(A) of the Village Code. Accordingly, from an agricultural perspective, the Village does not recognize agricultural boarding, per se, to be a legally permitted use within the Village.

Submitted On Behalf of Tom Burney - Drury

However, as you correctly point out, the Village does allow boarding and training horses as an accessory use, under the home occupation provision, pursuant to section 5-3-4(D)3 (g) of the Village Code, and, furthermore, you obviously, by law, have as much right to board horses under this provision as any other resident of the Village does. Also, I am cognizant of the fact that you have recently made operational changes at Oakwood farm to bring your farm into compliance with the home occupation provision, pursuant to with 5-3-4(D)3(g), and the Village very much appreciates the effort that both Cathy and you made to do so.

You are correct, that the ZBA and the Cook County Circuit Court both found that boarding and training horses is not agricultural within the Village and, therefore, upheld the Village's cease and desist against your farm, based on your defense that your boarding and training operation was agricultural and protected pursuant to section 5-3-4(A) of the Village code. Furthermore, you are also correct that the Village never found you to be in violation of the home occupation provision, because you never claimed to be a home occupation, but rather an agricultural enterprise as stated above. Now that your are compliant with section 5-3-4(D)3(g) and operating as a home occupation, the Village no longer considers you to be in violation of the code and, therefore, you are operating within your legal rights.

Relative to your building permit, which was resubmitted in June 2008, I realize that you made the changes requested by the Village engineer and had a local licensed architect amend your plans. The Village has only held up the processing of your permit due to the fact that, as an agricultural operation, your were found to not be in compliance with the zoning code. Accordingly, since your are no longer in violation of the Village Code, there is no reason to further delay your permit, and, therefore, I will instruct the building department to commence processing your building permit immediately.

Again, thank you for making the effort to bring you equestrian operation into compliance with the home occupation provision of the code. Additionally, I realize that your appeal, relative to the agricultural provisions of the code, is still in the appellate court and, pending the outcome of that case, you reserve the right to reassert your agricultural status. Please let me know if the Village can be of further assistance.

Sincerely yours,

Robert Abboud
President,
Village of Barrington Hills

affidavit

3/1/11 3:27 PM

From: Dan Lundmark <dan@manarchy.com>
To: cblecompte@aim.com
Subject: affidavit
Date: Tue, Mar 1, 2011 12:15 pm

Hi,
Here is the exact language Bob used as to what needs to be in your affidavit.

- you understand that the village views your property as primarily residential.
- you are subject to the home occupation ordinance.
- you have modified your practices to be compliant with the home occupation ordinance.
- your buildings are in compliance with the village building code.

Hopefully, this will work.

Dan

LEC 0253

03/16/11 17:01 FAX 847 551 3050

VILLAGE BARRINGTON HILLS

002

President
ROBERT G. ARBOUD

Trustees
FRITZ BOHL, Pro-Tem
WALTER E. SMITH
STEVEN E. KNOOP
BETH MALLEN
ELAINE M. RAMESH
JOSEPH S. MEISSER

KAREN B. SELMAN, Clerk
DOLORES G. TRANDEL, Deputy Clerk



112 ALGONQUIN ROAD
BARRINGTON HILLS, ILLINOIS 60010-5198
www.barringtonhills-il.gov

TELEPHONE
(847) 551-3000

FACSIMILE
(847) 551-3050

Via Fax and U.S. Mail

March 16, 2011

Dr. & Mrs. LeCompte
350 Bateman Road
Barrington Hills, IL 60010

Dear Dr. & Mrs. LeCompte,

The Building Department has received and examined your affidavit dated March 4, 2011. You have asked to consider the use of Oakwood Farm as a Home Occupation. The affidavit states the terms by which the use is a Home Occupation. Similarly, you submitted an employee register in support of the extent of your employee's hours.

Your Home Occupation pertains to boarding and training of horses, which is a use specifically referenced in subsection (g) of Section 5-3-4(D)3 of the Zoning Ordinance. Based on the information in your affidavit, it appears that the use of Oakwood Farm is a Home Occupation.

Sincerely,


Don Schuman

Building and Code Enforcement Officer
847-551-3003

A HOME RULE COMMUNITY

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

JAMES J. DRURY III, as agent of the Peggy D.
Drury Declaration of Trust U/A/D 02/04/00, and
MICHAEL J. MCLAUGHLIN,

Plaintiffs,

-against-

BENJAMIN B. LECOMPTE, CATHLEEN B.
LECOMPTE, AND NORTH STAR TRUST CO.,
AS SUCCESSOR TRUSTEE OF HARRIS BANK
BARRINGTON N.A., AS TRUSTEE UNDER
TRUST NUMBER 11-5176,

Defendants.

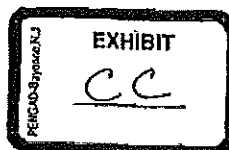
Case No. 11-ch-03852

Hon. Sebastian T. Patti

SWORN AFFIDAVIT OF BETH MALLEN

I, BETH MALLEN, of Barrington Hills, Illinois, hereby declare and affirm:

1. I am over 18 years old and otherwise competent to make this Affidavit. If sworn as a witness, I could competently testify to the matters set forth herein.
2. I have been a resident of the Village of Barrington Hills, Illinois ("Village") from April 1998 to the present. From April 2005 until April 2007 I was head of the Communications Committee for the Village, which included being editor in chief for the Village newsletter. I was elected to the Village Board of Trustees ("Board") in April 2007 and served my term which ended April 2011. In 2007 and 2008 I was the Trustee back-up to Trustee George Schueppert, who was the Trustee Liaison for the Village Zoning Board of Appeals.



3. At the December 17, 2007 Village Board of Trustees meeting, there were open discussions regarding Oakwood Farm and the commercial horse boarding operation that was ongoing at that location.

4. On January 8, 2008 there was a special meeting of the Village Board of Trustees. During that meeting, there was discussion of the commercial horse boarding at Oakwood Farm and the Board of Trustees authorized issuance of a cease and desist letter to Dr. and Mrs. Barry LeCompte.

5. On January 10, 2008 Douglas Wambach, Village counsel, sent a cease and desist letter to Dr. and Mrs. Barry LeCompte. (Ex. B.)

6. I attended the ZBA hearings in August 2008 regarding the appeal filed by the LeComptes seeking to overturn the cease and desist letter. I am aware of the decision by the ZBA on November 4, 2008 upholding the cease and desist letter and denying the appeal filed by the LeComptes.

7. It is my understanding that a lawsuit was then filed by the LeComptes against the Village in the Circuit Court of Cook County regarding the cease and desist letter, and the judge ruled against the LeComptes and in favor of the Village upholding the decision of the ZBA. It is my understanding that the LeComptes filed an appeal with the Illinois Appellate Court.

8. While I was a Village Trustee, it was my understanding that all of the provisions of section 5-3-4(D) of the Village Zoning Code would have to be complied with by a Village resident who wanted to board horses as a home occupation. Subsection (g) sets forth additional specific time limitations for horse boarding operations, but does not eliminate the

requirement that a horse boarding home occupation had to comply with all provisions of section 5-3-4(D).

9. I read the Village Newsletter dated February 2008 (Ex. Z) and specifically page 5 written by Trustee George Schueppert. As noted in paragraph 2 of my Affidavit, I was the editor in chief for the Village Newsletter from April 2005 until April 2007 and in February 2008 I was the backup Trustee to Trustee Schueppert for the Village Zoning Board of Appeals. This February 2008 Trustee update by Trustee George Schueppert accurately set forth the Village position on boarding of horses as a home occupation. The Village newsletter was mailed to Village residents to keep them apprised of the current status of events in the Village and the Village's position on issues of interest to Village residents.

10. I have been provided a copy of a letter dated February 15, 2011 from Douglas Wambach, Village counsel, sent to Ken Michaels, counsel for the LeComptes. (Ex. I.) Mr. Wambach's letter accurately sets forth and is consistent with what I have always understood to be the Village's position regarding Oakwood Farm. Mr. Wambach stated: "It is and has been the Village's position that Oakwood Farm does not comply with the requirements of the home occupation provisions of the Village's Zoning code." Robert Abboud, President of the Village of Barrington Hills, and Robert Kosin, Director of Administration of the Village of Barrington Hills, are copied on Mr. Wambach's letter. Neither Mr. Abboud nor Mr. Kosin nor Mr. Wambach ever personally advised me that the Village's position ever changed regarding Oakwood Farm.

11. I was provided a copy of the Schuman letter dated March 15, 2011 shortly after it was issued. I was shocked and outraged by the conclusion of that letter which states: "Based on the information in your affidavit, it appears that the use of Oakwood Farm is a Home

Occupation." This letter is totally inconsistent with and contrary to my understanding of the intent, purpose, and interpretation of the Home Occupation Ordinance and the Village's position on this issue.

12. On March 21, 2011 Maureen Crump (Barrington Countryside Park District Commissioner) and I went to Village Hall to meet with Don Schuman to seek clarification of and discuss Village setbacks for buildings, which was going to be discussed at the ZBA meeting that evening. During the discussion with Don Schuman that day, I raised the issue of whether Oakwood Farm complied with the Home Occupation Ordinance. Don Schuman told me in response that he did not think that Oakwood Farm was a home occupation.

13. I have been provided a copy of and have read the March 29, 2011 letter from George Lynch to Stephen C. Schulte and Ken Michaels regarding 350 Bateman Road (LeCompte's Property/Oak Wood Farms) ("Lynch letter"). This letter states: "This is to advise you that the Village of Barrington Hills has made a determination that the letter of Donald Schuman, the Building and Code Enforcement Officer, dated March 15, 2011 to Dr. and Mrs. LeCompte represents a final and official decision of the aforesaid officer." During the Village Board of Trustees meeting on March 28, 2011 (the evening before the Lynch letter was sent on March 29, 2011) the Trustees did not make a determination that the Schuman letter was a "final and official decision" of Mr. Schuman, the Trustees did not take a vote on this issue, and the Trustees did not authorize the sending of a letter with that language quoted above in the Lynch letter. I was never advised who it was at the Village "made a determination" referred to in the March 29, 2011 Lynch letter.

14. At no time during the Village Board of Trustees meeting on March 28, 2011 or any time prior thereto did President Abboud ever advise me or to my knowledge the

other Trustees that he had a meeting on February 21, 2011 or on any other date with Benjamin LeCompte, Paddy McKevitt, and Dan Lundmark to discuss whether Oakwood Farm is a home occupation; nor did President Abboud tell us that on or before March 1, 2011 he communicated to Dan Lundmark what needed to be included in an affidavit from the LeComptes regarding compliance of Oakwood Farm with the Home Occupation Ordinance; nor did President Abboud provide a copy of the March 4, 2011 LeCompte affidavit or a copy of the March 15, 2011 Schuman letter to me as a Trustee.

15. Neither the Schuman letter dated March 15, 2011 nor the Lynch letter dated March 29, 2011 were ever reviewed by, authorized, or approved by the Village Board of Trustees prior to issuance of those letters and during the April 25, 2011 Village Board of Trustees meeting (my last meeting), the Village Board of Trustees did not subsequently authorize or approve the issuance of the Shuman letter or the Lynch letter. The "determination" in these letters that "it appears that the use of Oakwood Farm is a Home Occupation" is totally in contradiction with the intent, purpose, and interpretation of the Home Occupation Ordinance by the Village while I was a Village Trustee between April 2007 and April 2011. The letter dated February 15, 2011 from Douglas Wambach, Village Counsel, to Ken Michaels, counsel for the LeComptes (Ex. 1), is accurate and sets forth the Village's position on commercial horse boarding operations at Oakwood Farm which is owned by the LeComptes when Mr. Wambach wrote: "It is and has been the Village's position that Oakwood Farms does not comply with the requirements of the home occupation provisions of the Village's zoning code."

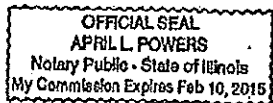
CERTIFICATION PURSUANT TO SECTION 1-109

Under penalties provided by law, pursuant to section 5/1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this affidavit are true and correct.

Beth Mallen
Beth Mallen

Subscribed and sworn to before me, the undersigned notary public, this 18th day of May, 2011.

April L. Powers
Notary Public



My Commission Expires:

2-10-2015

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

JAMES J. DRURY III, as agent of the Peggy D.
Drury Declaration of Trust U/A/D 02/04/00, and
MICHAEL J. MCLAUGHLIN,

Plaintiffs,

-against-

BENJAMIN B. LECOMPTE, CATHLEEN B.
LECOMPTE, AND NORTH STAR TRUST CO.,
AS SUCCESSOR TRUSTEE OF HARRIS BANK
BARRINGTON N.A., AS TRUSTEE UNDER
TRUST NUMBER 11-5176,

Defendants.

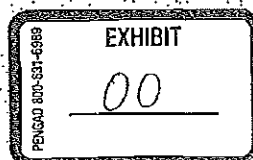
Case No. 11-CH-03852

Hon. Sebastian T. Patti

SWORN AFFIDAVIT OF MICHAEL P. HANNIGAN

I, MICHAEL P. HANNIGAN, of Barrington Hills, Illinois, hereby declare and affirm:

1. I am over 18 years old and otherwise competent to make this Affidavit. If sworn as a witness, I could competently testify to the matters set forth herein.
2. I have been a resident of the Village of Barrington Hills, Illinois ("Village") from 2008 to the present.
3. I was present as a Village resident at the Village of Barrington Hills Board of Trustees meeting on May 23, 2011. During this meeting there was a discussion regarding Oakwood Farms and I actively participated in the discussion along with the Village Board, Village President Robert Abboud and Village Counsel Douglas Wambach.



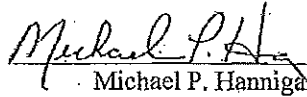
4. During the May 23, 2011 Board meeting, President Abboud stated the decision to issue a compliance letter to Oakwood Farms regarding its purported compliance with the Village's Home Occupation Ordinance was made by President Abboud alone based on his opinion that Village Code authorized him as President to enforce and interpret Village ordinances. Village Counsel Douglas Wambach disagreed with President Abboud's opinion that the President was authorized to interpret Village ordinances.

5. Following the May 23, 2011 Village Board meeting, I prepared a letter dated June 3, 2011 memorializing the discussion at that Village Board meeting regarding Oakwood Farms and another matter that was of concern to me. In my June 3, 2011 letter to President Abboud, I requested that my letter be made part of the official minutes of the Board meeting.

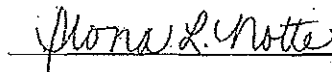
6. A true and correct copy of my letter dated June 3, 2011 to President Abboud is attached to my Affidavit as Exhibit 1. A copy of my letter was also sent to Village Counsel Douglas Wambach.

CERTIFICATION PURSUANT TO SECTION 1-109

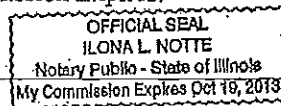
Under penalties provided by law, pursuant to section 5/1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this affidavit are true and correct.


Michael P. Hannigan

Subscribed and sworn to before me, the undersigned notary public, this 3rd day of June, 2011.


Notary Public

My Commission Expires:



June 3, 2011

Via Email president@barringtonhills-il.gov

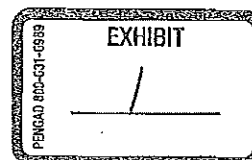
Robert G. Abboud
Village of Barrington Hills
112 Algonquin Road
Barrington Hills, IL 60010-5199

Dear Mr. Abboud:

As you know, along with several other residents, I attended the Village Board of Trustees meeting on Monday, May 23, 2011. Unfortunately, and to the great detriment of Village residents, the Board has continued its policy of not stenographically recording Board meetings. As a result, I write to record what occurred during a portion of the meeting relating to Oakwood Farms. I ask that you include this letter as part of the official minutes of the meeting.

During the Oakwood Farms discussion, you stated that the decision to issue a compliance letter to Oakwood Farms, indicating its purported compliance with the Village's Home Occupation Ordinance, was yours alone as President. You also stated your opinion that a Village Code authorized you as President not only to enforce, but also to "interpret" Village ordinances. Notably, the Village's counsel, Doug Wambach, who was also present at the May 23 meeting, disagreed with your opinion that as President you alone were authorized to interpret Village ordinances. In any event, you made clear that the decision to issue a compliance letter to Oakwood Farms was, in fact, yours and yours alone. Of course, we know that there is no record of the Board ever having voted on the issuance of a compliance letter to Oakwood Farms, which is consistent with your statements at the May 23 meeting.

You also explained that you received legal advice from Village counsel before causing the compliance letter to be issued to Oakwood Farms. You said this advice was oral, not in writing. This was an interesting statement on your part because the compliance letter you caused to be issued to Oakwood Farms was directly at odds with the letter sent by Village counsel Wambach to Oakwood Farms on February 15, 2011. In that letter, counsel Wambach stated, "It is and has been the Village's position that Oakwood Farms does not comply with the requirements of the home occupation provisions of the Village Zoning Code." When I asked you about this inconsistency, you explained that counsel Wambach's letter was not wrong and not inconsistent with the compliance letter, but rather that the facts had changed after Mr. Wambach's letter. Specifically, you stated that after Mr. Wambach's letter, Oakwood Farms informed the Village that the primary purpose of the property on which it sits was no longer agricultural, but rather, its primary purpose was residential.



Submitted On Behalf of Tom Burney - Drury

I have been unable to locate any evidence of Oakwood Farms asserting that the primary purpose of the land on which it sits is no longer agricultural, but rather residential. Perhaps you can identify something in the public record where Oakwood Farms has taken that position, as you stated. Otherwise, there would seem to be no legitimate explanation for why the compliance letter contradicts, so starkly, the opinion expressed in counsel Wambach's February 15 letter to Oakwood Farms.

There were many other items discussed at the May 23 Board meeting. For example, you attempted to explain that the Board's authorization of the purpose of a new police car in August 2010 was followed by your issuance of a check in payment for the car. It appears from public records, however, that the opposite is true. It appears that a check for the police car was cut some 30 days before the Board voted on the authorization for the purchase of the car. Unfortunately, your fanciful explanation for this situation left much to be desired.

Once again, I would stress that the residents of our Village deserve to have Board meetings recorded stenographically. It is disappointing that the creation of an adequate public record of Village affairs requires vigilant monitoring by residents.

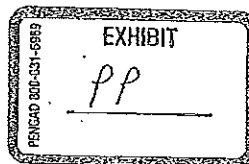
Very truly yours,

Michael P. Hannigan

cc: Douglas E. Wambach

1-5-4: POWERS AND DUTIES OF PRESIDENT:

The President is the chief executive officer of the Village, and shall perform all duties required of him by statute or ordinance. He shall be responsible for the enforcement of all laws and ordinances. He shall supervise the executive officers of the Village, and have the power and authority to inspect all books and records kept by any officer of the Village at any time. (1977 Code)



1-5-9: BOARD OF TRUSTEES:

The board of trustees shall consist of the president and trustees. The president, or the president pro tem, shall preside at all meetings of the board of trustees. (1977 Code)

1-5-12: ORDINANCE PASSAGE PROCEDURE:

- (A) The procedure for the passage of an ordinance shall be as follows: An ordinance may be introduced by any member of the board of trustees. When first introduced, said ordinance shall be read to the board of trustees by the clerk and a motion shall be made to have the same engrossed by the clerk upon the records of the proceedings of the meeting at which said proposed ordinance is introduced. The ordinance may then be referred to the proper committee for consideration and report, or may be called up for passage at the meeting at which it was introduced, or any subsequent meeting, when it shall again be read. The voting upon the passage of an ordinance shall be by ayes and nays, and the village clerk shall call upon each trustee and record his or her vote. If a majority of the trustees present constituting a quorum to do business shall vote aye, said ordinance shall be declared passed. If a tie vote results, the president shall cast the deciding vote and declare the result thereof. If the president shall approve of an ordinance, he shall sign it.
- (B) Any ordinance imposing any fine, penalty, imprisonment, or forfeiture, or making any appropriation, shall: 1) be printed or published in book or pamphlet form, published by authority of the corporate authorities, or 2) be published at least once, within ten (10) days after passage, in one or more newspapers published in the village, or if no newspaper is published there, then in one or more newspapers with a general circulation within the village. (Ord. 57-1, 4-25-1957; amd. 1977 Code)

Illinois Livestock Management Facilities Act

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

ANIMALS

(510 ILCS 77/) Livestock Management Facilities Act.

(510 ILCS 77/1)

Sec. 1. Short title. This Act may be cited as the Livestock Management Facilities Act.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/5)

Sec. 5. Policy.

(a) The General Assembly finds the following:

(1) Enhancements to the current regulations dealing with livestock production facilities are needed.

(2) The livestock industry is experiencing rapid changes as a result of many different occurrences within the industry including increased sophistication of production technology, increased demand for capital to maintain or expand operations, and changing consumer demands for a quality product.

(3) The livestock industry represents a major economic activity in the Illinois economy.

(4) The trend is for larger concentration of animals at a livestock management facility due to various market forces.

(5) Current regulation of the operation and management of livestock production is adequate for today's industry with a few modifications.

(6) Due to the increasing numbers of animals at a livestock management facility, there is a potential for greater impacts on the immediate area.

(7) Livestock waste lagoons must be constructed according to standards to maintain structural integrity and to protect groundwater.

(8) Since a majority of odor complaints result from manure application, livestock producers must be provided with an educational program that will enhance neighbor awareness and their environmental management skills, with emphasis on management of livestock wastes.

(b) Therefore, it is the policy of the State of Illinois to maintain an economically viable livestock industry in the State of Illinois while protecting the environment for the benefit of both the livestock producer and persons who live in the vicinity of a livestock production facility.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10)

Sec. 10. Definitions. In this Act words and phrases have the meanings set forth in the following Sections, unless the context clearly requires otherwise:

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.5)

Sec. 10.5. Agency. "Agency" means the Illinois Environmental Protection Agency.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.7)

Sec. 10.7. Animal feeding operation. "Animal feeding operation" means a feeding operation as defined in the Illinois Environmental Protection Act and the rules promulgated under that Act concerning agriculture related pollution.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.10)

Sec. 10.10. Animal unit. "Animal unit" means a unit of measurement for any animal feeding operation calculated as follows:

(1) Brood cows and slaughter and feeder cattle multiplied by 1.0.

(2) Milking dairy cows multiplied by 1.4.

(3) Young dairy stock multiplied by 0.6.

(4) Swine weighing over 55 pounds multiplied by 0.4.

(5) Swine weighing under 55 pounds multiplied by 0.03.

(6) Sheep, lambs, or goats multiplied by 0.1.

(7) Horses multiplied by 2.0.

(8) Turkeys multiplied by 0.02.

(9) Laying hens or broilers multiplied by 0.01 (if the facility has continuous overflow watering).

(10) Laying hens or broilers multiplied by 0.03 (if the facility has a liquid manure handling system).

(11) Ducks multiplied by 0.02.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.15)

Sec. 10.15. Certified livestock manager. "Certified livestock manager" means a person that has been duly certified by the Department as an operator of a livestock waste handling facility.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.20)

Sec. 10.20. Department. "Department" means the Illinois Department of Agriculture.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.23)

Sec. 10.23. Farm residence. "Farm residence" means any residence on a farm owned or occupied by the farm owners, operators, tenants, or seasonal or year-round hired workers. For purposes of this definition, a "farm" is the land, buildings, and machinery used in the commercial production of

farm products, and "farm products" are those plants and animals and their products which are produced or raised for commercial purposes and include but are not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.24)

Sec. 10.24. Karst Area. "Karst area" means an area with a land surface containing sinkholes, large springs, disrupted land drainage, and underground drainage systems associated with karstified carbonate bedrock and caves or a land surface without these features but containing a karstified carbonate bedrock unit generally overlain by less than 60 feet of unconsolidated materials.

(Source: P.A. 91-110, eff. 7-13-99.)

(510 ILCS 77/10.25)

Sec. 10.25. Lagoon. "Lagoon" means any excavated, diked, or walled structure or combination of structures designed for biological stabilization and storage of livestock wastes. A lagoon does not include structures such as manufactured slurry storage structures or pits under buildings as defined in rules under the Environmental Protection Act concerning agriculture related pollution.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.26)

Sec. 10.26. Karstified carbonate bedrock. "Karstified carbonate bedrock" means a carbonate bedrock unit (limestone or dolomite) that has a pronounced conduit or secondary porosity due to dissolution of the rock along joints, fractures, or bedding plains.

(Source: P.A. 91-110, eff. 7-13-99.)

(510 ILCS 77/10.30)

Sec. 10.30. Livestock management facility. "Livestock management facility" means any animal feeding operation, livestock shelter, or on-farm milking and accompanying milk-handling area. Two or more livestock management facilities under common ownership, where the facilities are not separated by a minimum distance of 1/4 mile, and that share a common livestock waste handling facility shall be considered a single livestock management facility. A livestock management facility at educational institutions, livestock pasture operations, where animals are housed on a temporary basis such as county and state fairs, livestock shows, race tracks, and horse breeding and foaling farms, and market holding facilities are not subject to this Act.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.35)

Sec. 10.35. Livestock waste. "Livestock waste" means

livestock excreta and associated feed losses, bedding, wash waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto an animal feeding operation, and other materials polluted by livestock.
(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.40)

Sec. 10.40. Livestock waste handling facility. "Livestock waste handling facility" means individually or collectively those immovable constructions or devices, except sewers, used for collecting, pumping, treating, or disposing of livestock waste or for the recovery of by-products from the livestock waste. Two or more livestock waste handling facilities under common ownership and where the facilities are not separated by a minimum distance of 1/4 mile shall be considered a single livestock waste handling facility.
(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.43)

Sec. 10.43. Modified. "Modified" means structural changes to a lagoon that increase its volumetric capacity.
(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.45)

Sec. 10.45. New facility. "New facility" means a livestock management facility or a livestock waste handling facility the construction or expansion of which is commenced on or after the effective date of this Act. Expanding a facility where the fixed capital cost of the new components constructed within a 2-year period does not exceed 50% of the fixed capital cost of a comparable entirely new facility shall not be deemed a new facility as used in this Act.
(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.47)

Sec. 10.47. Non-farm residence. "Non-farm residence" means any residence which is not a farm residence.
(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.50)

Sec. 10.50. Owner or operator. "Owner or operator" means any person who owns, leases, controls, or supervises a livestock management facility or livestock waste-handling facility.
(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.55)

Sec. 10.55. Person. "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent, or assigns.
(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/10.60)

Sec. 10.60. Populated area. "Populated area" means any area where at least 10 inhabited non-farm residences are

located or where at least 50 persons frequent a common place of assembly or a non-farm business at least once per week.
(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/11)

Sec. 11. Filing notice of intent to construct and construction data; registration of facilities.

(a) An owner or operator shall file a notice of intent to construct for a livestock management facility or livestock waste handling facility with the Department prior to construction to establish a base date, which shall be valid for one year, for determination of setbacks in compliance with setback distances or, in the case of construction that is not a new facility, with the maximum feasible location requirements of Section 35 of this Act.

(b) For a livestock waste handling facility that is not subject to Section 12 of this Act, a construction plan of the waste handling structure with design specifications of the structure noted as prepared by or for the owner or operator shall be filed with the Department at least 10 calendar days prior to the anticipated dates of construction. Upon receipt of the notice of intent to construct form or the construction plan, the Department shall review the documents to determine if all information has been submitted or if clarification is needed. The Department shall, within 15 calendar days of receipt of a notice of intent to construct or the construction plan, notify the owner or operator that construction may begin or that clarification is needed.

(c) For a livestock waste handling facility that is subject to Section 12 of this Act, a completed registration shall be filed with the Department at least 37 calendar days prior to the anticipated dates of construction. The registration shall include the following: (i) the name and address of the owner and operator of the livestock waste handling facility; (ii) a general description of the livestock waste handling structure and the type and number of the animal units of livestock it serves; (iii) the construction plan of the waste handling structure with design specifications of the structure noted as prepared by or for the owner or operator, and (iv) anticipated dates of construction. The Department shall, within 15 calendar days of receipt of the registration form, notify the person submitting the form that the registration is complete or that clarification information is needed.

(d) Any owner or operator who fails to file a notice of intent to construct form or construction plans with the Department prior to commencing construction, upon being discovered by the Department, shall be subject to an administrative hearing by the Department. The administrative law judge, upon determination of a failure to file the appropriate form, shall impose a civil administrative penalty in an amount no more than \$1,000 and shall enter an administrative order directing that the owner or operator file the appropriate form within 10 business days after receiving notice from the Department. If, after receiving the administrative law judge's order to file, the owner or operator fails to file the appropriate form with the

Department, the Department shall impose a civil administrative penalty in an amount no less than \$1,000 and no more than \$2,500 and shall enter an administrative order prohibiting the operation of the facility until the owner or operator is in compliance with this Act. Penalties under this subsection (d) not paid within 60 days of notice from the Department shall be submitted to the Attorney General's office or an approved private collection agency.

(Source: P.A. 91-110, eff. 7-13-99.)

(510 ILCS 77/12)

Sec. 12. Public informational meeting; lagoons and non-lagoon structures.

(a) Beginning on the effective date of this amendatory Act of 1999, within 7 days after receiving a form giving notice of intent to construct (i) a new livestock management facility or livestock waste handling facility serving 1,000 or more animal units that does not propose to utilize a lagoon or (ii) a livestock waste management facility or livestock waste handling facility that does propose to utilize a lagoon, the Department shall send a copy of the notice form to the county board of the county in which the facility is to be located and shall publish a public notice in a newspaper of general circulation within the county. After receiving a copy of the notice form from the Department, the county board may, at its discretion and within 30 days after receipt of the notice, request that the Department conduct an informational meeting concerning the proposed construction that is subject to this Section. In addition, during the county's 30-day review period, county residents may petition the county board of the county where the proposed new facility will be located to request that the Department conduct an informational meeting. When petitioned by 75 or more of the county's residents who are registered voters, the county board shall request that the Department conduct an informational meeting. If the county board requests that the Department conduct the informational meeting, the Department shall conduct the informational meeting within 15 days of the county board's request. If the Department conducts such a meeting, it shall cause notice of the meeting to be published in a newspaper of general circulation in the county and in the State newspaper and shall send a copy of the notice to the County Board. Upon receipt of the notice, the County Board shall post the notice on the public informational board at the county courthouse at least 10 days before the meeting. The owner or operator who submitted the notice of intent to construct to the Department shall appear at the meeting. At the meeting, the Department shall afford members of the public an opportunity to ask questions and present oral or written comments concerning the proposed construction.

(b) The county board shall submit at the informational meeting or within 30 days following the meeting an advisory, non-binding recommendation to the Department about the proposed new facility's construction in accordance with the applicable requirements of this Act. The advisory, non-binding recommendation shall contain at a minimum:

(1) a statement of whether the proposed facility

achieves or fails to achieve each of the 8 siting criteria as outlined in subsection (d); and

(2) a statement of the information and criteria used by the county board in determining that the proposed facility met or failed to meet any of the criteria described in subsection (d).

(c) When the county board requests an informational meeting, construction shall not begin until after the informational meeting has been held, the Department has reviewed the county board's recommendation and replied to the recommendation indicating if the proposed new livestock management facility or the new livestock waste handling facility is or will be in compliance with the requirements of the Act, and the owner, operator, or certified manager and operator has received the Department's notice that the setbacks and all applicable requirements of this Act have been met.

(d) At the informational meeting for the proposed facility, the Department of Agriculture shall receive evidence by testimony or otherwise on the following subjects:

(1) Whether registration and livestock waste management plan certification requirements, if required, are met by the notice of intent to construct.

(2) Whether the design, location, or proposed operation will protect the environment by being consistent with this Act.

(3) Whether the location minimizes any incompatibility with the surrounding area's character by being located in any area zoned for agriculture where the county has zoning or where the county is not zoned, the setback requirements established by this Act are complied with.

(4) Whether the facility is located within a 100-year floodplain or an otherwise environmentally sensitive area (defined as an area of karst area or with aquifer material within 5 feet of the bottom of the livestock waste handling facility) and whether construction standards set forth in the notice of intent to construct are consistent with the goal of protecting the safety of the area.

(5) Whether the owner or operator has submitted plans for operation that minimize the likelihood of any environmental damage to the surrounding area from spills, runoff, and leaching.

(6) Whether odor control plans are reasonable and incorporate reasonable or innovative odor reduction technologies given the current state of such technologies.

(7) Whether traffic patterns minimize the effect on existing traffic flows.

(8) Whether construction or modification of a new facility is consistent with existing community growth, tourism, recreation, or economic development or with specific projects involving community growth, tourism, recreation, or economic development that have been identified by government action for development or operation within one year through compliance with applicable zoning and setback requirements for populated areas as established by this Act.

(Source: P.A. 91-110, eff. 7-13-99.)

(510 ILCS 77/12.1)

Sec. 12.1. Final determination.

(a) Within 15 calendar days of the close of the comment period under subsection (b) of Section 12, the Department shall determine if, more likely than not, the provisions of the Act have been met and shall send notice to the applicant and the county board indicating that construction may proceed. If the Department finds that, more likely than not, the provisions of the Act have not been met the Department shall send notice to the applicant that construction is prohibited.

(a-5) If the Department finds that additional information or that specific changes are needed in order to assist the Department in making the determination under subsection (a) of this Section, the Department may request such information or changes from the owner or operator of the new livestock waste handling facility or waste management facility.

(b) If no informational meeting is held, the Department shall, within 15 calendar days following the end of the period for the county board to request an informational meeting, notify the owner or operator that construction may begin or that clarification is needed.

(c) If the owner or operator of a proposed livestock management facility or livestock waste handling facility amends the facility plans during the Department's review, the Department shall notify the county board, which may exercise its option of a public informational meeting pursuant to Section 12 of this Act.

(d) If the owner or operator of a proposed new livestock management or new livestock waste handling facility amends the facility plans during the Department's review process by increasing the animal unit capacity of the facility such that the required setback distances will be increased, the owner or operator shall submit a revised notice of intent to construct and comply with applicable provisions of this Act.

(Source: P.A. 91-110, eff. 7-13-99.)

(510 ILCS 77/13)

Sec. 13. Livestock waste handling facilities other than earthen livestock waste lagoons; construction standards; certification; inspection; removal-from-service requirements.

(a) After the effective date of this amendatory Act of 1999, livestock waste handling facilities other than earthen livestock waste lagoons used for the storage of livestock waste shall be constructed in accordance with this Section.

(1) Livestock waste handling facilities constructed of concrete shall meet the strength and load factors set forth in the Midwest Plan Service's Concrete Manure Storage Handbook (MWPS-36) and future updates. In addition, those structures shall meet the following requirements:

(A) Waterstops shall be incorporated into the design of the storage structure when consistent with the requirements of paragraph (1) of this subsection;

(B) Storage structures that handle waste in a liquid form shall be designed to contain a volume of

not less than the amount of waste generated during 150 days of facility operation at design capacity; the owner or operator of a livestock waste handling facility constructed with concrete with a design capacity of less than 300 animal units may demonstrate to the Department that a reduced storage volume, not less than 60 days, is feasible due to (i) the availability of land application areas that can receive manure at agronomic rates or (ii) another manure disposal method is proposed that will allow for the reduced manure storage design capacity; the Department shall evaluate the proposal and determine whether a reduced manure storage design capacity is appropriate for the site; and

(C) Storage structures not covered or otherwise protected from precipitation shall, in addition to the waste storage volume requirements of subparagraph (B) of paragraph (1) of this subsection, include a 2-foot freeboard.

(2) A livestock waste handling facility in a prefabricated form shall meet the strength, load, and compatibility factors for its intended use. Those factors shall be verified by the manufacturer's specifications.

(3) Livestock waste handling facilities holding semi-solid livestock waste, including but not limited to picket dam structures, shall be constructed according to the requirements set forth in the Midwest Plan Service's Livestock Waste Facilities Handbook (MWPS-18) and future updates or similar standards used by the Natural Resources Conservation Service of the United States Department of Agriculture.

(4) Livestock waste handling facilities holding solid livestock waste shall be constructed according to the requirements set forth in the Midwest Plan Service's Livestock Waste Facilities Handbook (MWPS-18) and future updates or similar standards used by the Natural Resources Conservation Service of the United States Department of Agriculture. In addition, solid livestock waste stacking structures shall be sized to store not less than the amount of waste generated during 6 months of facility operation at design capacity. The owner or operator of a livestock waste handling facility holding solid livestock waste with a design capacity of less than 300 animal units may demonstrate to the Department that a reduced storage volume, not less than 2 months, is feasible due to (i) the availability of land application areas that can receive manure at agronomic rates or (ii) another manure disposal method is proposed that will allow for the reduced storage design capacity. The Department shall evaluate the proposal and determine whether a reduced manure storage design capacity is appropriate for the site.

(5) Holding ponds used for the temporary storage of livestock feedlot run-off shall be constructed according to the requirements set forth in the Midwest Plan Service's Livestock Waste Facilities Handbook (MWPS-18) and future updates or similar standards used by the Natural Resources Conservation Service of the United

States Department of Agriculture.

(b) New livestock management facilities and livestock waste handling facilities constructed after the effective date of this amendatory Act of 1999 shall be subject to the additional construction requirements and siting prohibitions provided in this subsection (b).

(1) No new non-lagoon livestock management facility or livestock waste handling facility may be constructed within the floodway of a 100-year floodplain. A new livestock management facility or livestock waste handling facility may be constructed within the portion of a 100-year floodplain that is within the flood fringe and outside the floodway provided that the facility is designed and constructed to be protected from flooding and meets the requirements set forth in the Rivers, Lakes, and Streams Act, Section 5-40001 of the Counties Code, and Executive Order Number 4 (1979). The delineation of floodplains, floodways, and flood fringes shall be in compliance with the National Flood Insurance Program. Protection from flooding shall be consistent with the National Flood Insurance Program and shall be designed so that stored livestock waste is not readily removed.

(2) A new non-lagoon livestock waste handling facility constructed in a karst area shall be designed to prevent seepage of the stored material into groundwater in accordance with ASAE 393.2 or future updates. Owners or operators of proposed facilities should consult with the local soil and water conservation district, the University of Illinois Cooperative Extension Service, or other local, county, or State resources relative to determining the possible presence or absence of such areas. Notwithstanding the other provisions of this paragraph (2), after the effective date of this amendatory Act of 1999, no non-lagoon livestock waste handling facility may be constructed within 400 feet of any natural depression in a karst area formed as a result of subsurface removal of soil or rock materials that has caused the formation of a collapse feature that exhibits internal drainage. For the purposes of this paragraph (2), the existence of such a natural depression in a karst area shall be indicated by the uppermost closed depression contour lines on a USGS 7 1/2 minute quadrangle topographic map or as determined by Department field investigation in a karst area.

(3) A new non-lagoon livestock waste handling facility constructed in an area where aquifer material is present within 5 feet of the bottom of the facility shall be designed to ensure the structural integrity of the containment structure and to prevent seepage of the stored material to groundwater. Footings and underlying structure support shall be incorporated into the design standards of the storage structure in accordance with the requirements of Section 4.1 of the American Society of Agricultural Engineers (ASAE) EP 393.2 or future updates.

(c) A livestock waste handling facility owner may rely on guidance from the local soil and water conservation district, the Natural Resources Conservation Service of the United States Department of Agriculture, or the University of

Illinois Cooperative Extension Service for soil type and associated information.

(d) The standards in subsections (a) and (b) shall serve as interim construction standards until such time as permanent rules promulgated pursuant to Section 55 of this Act become effective. In addition, the Department and the Board shall utilize the interim standards in subsections (a) and (b) as a basis for the development of such permanent rules.

(e) The owner or operator of a livestock management facility or livestock waste handling facility may, with the approval of the Department, elect to exceed the strength and load requirements as set forth in this Section.

(f) The owner or operator of a livestock management facility or livestock waste handling facility shall send, by certified mail or in person, to the Department a certification of compliance together with copies of verification documents upon completion of construction. In the case of structures constructed with the design standards used by the Natural Resources Conservation Service of the United States Department of Agriculture, copies of the design standards and a statement of verification signed by a representative of the United States Department of Agriculture shall accompany the owner's or operator's certification of compliance. The certification shall state that the structure meets or exceeds the requirements in subsection (a) of this Section. A \$250 filing fee shall accompany the statement.

(g) The Department shall inspect the construction site prior to construction, during construction, and within 10 business days following receipt of the certification of compliance to determine compliance with the construction standards.

(h) The Department shall require modification when necessary to bring the construction into compliance with the standards set forth in this Section. The person making the inspection shall discuss with the owner, operator, or certified livestock manager an evaluation of the livestock waste handling facility construction and shall (i) provide on-site written recommendations to the owner, operator, or certified livestock manager of what modifications are necessary or (ii) inform the owner, operator, or certified livestock manager that the facility meets the standards set forth in this Section. On the day of the inspection, the person making the inspection shall give the owner, operator, or certified livestock manager a written report of findings based on the inspection together with an explanation of remedial measures necessary to enable the livestock waste handling facility to meet the standards set forth in this Section. The Department shall, within 5 business days of the date of inspection, send an official written notice to the owner or operator of the livestock waste handling facility by certified mail, return receipt requested, indicating that the facility meets the standards set forth in this Section or identifying the remedial measures necessary to enable the livestock waste handling facility to meet the standards set forth in this Section. The owner or operator shall, within 10 business days of receipt of an official written notice of deficiencies, contact the Department to develop the principles

of an agreement of compliance. The owner or operator and the Department shall enter into an agreement of compliance setting forth the specific changes to be made to bring the construction into compliance with the standards required under this Section. If an agreement of compliance cannot be achieved, the Department shall issue a compliance order to the owner or operator outlining the specific changes to be made to bring the construction into compliance with the standards required under this Section. The owner or operator can request an administrative hearing to contest the provisions of the Department's compliance order.

(i) (Blank).

(j) If any owner or operator operates in violation of an agreement of compliance, the Department shall seek an injunction in circuit court to prohibit the operation of the facility until construction and certification of the livestock waste handling facility are in compliance with the provisions of this Section.

(k) When any livestock management facility not using an earthen livestock waste lagoon is removed from service, the accumulated livestock waste remaining within the facility shall be removed and applied to land at rates consistent with a waste management plan for the facility. Removal of the waste shall occur within 12 months after the date livestock production at the facility ceases. In addition, the owner or operator shall make provisions to prevent the accumulation of precipitation within the livestock waste handling facility. Upon completion of the removal of manure, the owner or operator of the facility shall notify the Department that the facility is being removed from service and the remaining manure has been removed. The Department shall conduct an inspection of the livestock waste handling facility and inform the owner or operator in writing that the requirements imposed under this subsection (k) have been met or that additional actions are necessary. Commencement of operations at a facility that has livestock shelters left intact and that has completed the requirements imposed under this subsection (k) and that has been operated as a livestock management facility or livestock waste handling facility for 4 consecutive months at any time within the previous 10 years shall not be considered a new or expanded livestock management or waste handling facility. A new facility constructed after May 21, 1996 that has been removed from service for a period of 2 or more years shall not be placed back into service prior to an inspection of the livestock waste handling facility and receipt of written approval by the Department.

(Source: P.A. 95-38, eff. 1-1-08; 96-328, eff. 8-11-09.)

(510 ILCS 77/15)

Sec. 15. Livestock waste lagoon.

(a) Standards for livestock waste lagoon construction. Any earthen livestock waste lagoon subject to registration shall be constructed or modified in accordance with "Design of Anaerobic Lagoons for Animal Waste Management" promulgated by the American Society of Agricultural Engineers or the national guidelines as published by the United States Department of Agriculture Natural Resource Conservation Service in Illinois

Submitted On Behalf of Tom Burney - Drury

and titled Waste Treatment Lagoon. The owner or operator of the earthen livestock lagoon may, with approval from the Department, modify or exceed these standards in order to meet site specific objectives. Notwithstanding any other requirement of this subsection, every earthen livestock waste lagoon shall include the construction of a secondary berm, filter strip, grass waterway, or terrace, or any combination of those, outside the perimeter of the primary berm if an engineer licensed under the Professional Engineering Practice Act of 1989 and retained by the registrant determines, with the concurrence of the Department, that construction of such a secondary berm or other feature or features is necessary in order to ensure against a release of livestock waste from the lagoon (i) that encroaches or is reasonably expected to encroach upon land other than the land occupied by the livestock waste handling facility of which the lagoon is a part or (ii) that enters or is reasonably expected to enter the waters of this State. The Department shall determine compliance with these requirements. The Department may require changes in design or additional requirements to protect groundwater, such as extra liner depth or synthetic liners, when it appears groundwater could be impacted.

(a-5) New earthen livestock waste lagoons constructed after the effective date of this amendatory Act of 1999 shall be subject to additional construction requirements and siting prohibitions as provided in this subsection (a-5).

(1) No new earthen livestock waste lagoon may be constructed within the floodway of a 100-year floodplain. A new earthen livestock waste lagoon may be constructed within the portion of a 100-year floodplain that is within the flood fringe and outside the floodway provided that the facility is designed and constructed so that livestock waste is not readily removed during flooding and meets the requirements set forth in the Rivers, Lakes, and Streams Act, Section 5-40001 of the Counties Code, and Executive Order Number 4 (1979). The delineation of floodplains, floodways, and flood fringes shall be in compliance with the National Flood Insurance Program.

(2) A new earthen livestock waste lagoon constructed in a karst area shall be designed to prevent seepage of the stored material to groundwater. Owners or operators of proposed facilities shall consult with the local soil and water conservation district, the University of Illinois Cooperative Extension Service, or other local, county, or State resources relative to determining the possible presence or absence of such areas. Notwithstanding the other provisions of this paragraph (2), after the effective date of this amendatory Act of 1999, no earthen livestock waste lagoon may be constructed within 400 feet of any natural depression in a karst area formed as a result of subsurface removal of soil or rock materials that has caused the formation of a collapse feature that exhibits internal drainage. For the purposes of this paragraph (2), the existence of such natural depression in a karst area shall be indicated by the uppermost closed depression contour lines on a USGS 7 1/2 minute quadrangle topographic map or as determined by Department field

investigation in a karst area.

(b) Registration and certification. Any earthen livestock waste lagoon newly constructed or modified (does not include repairs) after the effective date of rules adopted for the implementation of this Act shall be registered by the owner or operator with the Department on a form provided by the Department. Lagoons constructed prior to the effective date of rules adopted for the implementation of this Act may register with the Department at no charge.

In order to give the Department notice of the owner's or operator's intent to construct or modify an earthen livestock waste lagoon, the owner or operator shall register such lagoon with the Department during the preconstruction phase. Construction shall not begin until 30 days after submittal of a registration form by certified mail to the Department. When an informational meeting is requested by the county, construction shall not begin until after the informational meeting has been held.

Livestock waste lagoon registration forms shall be made available to producers at offices of the Department of Agriculture, Cooperative Extension Service, and Soil and Water Conservation Districts.

Registration information shall include the following:

- (1) Name(s) and address(es) of the owner and operator who are responsible for the livestock waste lagoon.
- (2) General location of lagoon.
- (3) Design construction plans and specifications.
- (4) Specific location information:
 - (A) Distance to a private or public potable well;
 - (B) Distance to closest occupied private residence (other than any occupied by owner or operator);
 - (C) Distance to nearest stream; and
 - (D) Distance to nearest populated area.
- (5) Anticipated beginning and ending dates of construction.
- (6) Type of livestock and number of animal units.

The Department of Agriculture upon receipt of a livestock waste lagoon registration form shall review the form to determine that all required information has been provided. The person filing the registration shall be notified within 15 working days that the registration is complete or that clarification of information is needed. No later than 10 working days after receipt of the clarification information, the Department shall notify the owner or operator that the registration is complete.

The Department shall inspect an earthen livestock waste lagoon during preconstruction, construction, and post-construction. The Department shall require modifications when necessary to bring construction in compliance with the standards as set forth in subsection (a) of Section 15. The person making the inspection shall discuss with the owner, operator, or certified livestock manager an evaluation of the livestock waste lagoon construction and shall (i) provide on-site written recommendations to the owner, operator, or certified livestock manager of what modifications are necessary or (ii) inform the owner, operator, or certified

livestock manager that the lagoon meets the standards set forth in subsection (a) of Section 15. On the day of the inspection, the person making the inspection shall give the owner, operator, or certified livestock manager a written report of his or her findings based on the inspection, together with an explanation of any remedial measures necessary to enable the lagoon to meet the standards set forth in subsection (a).

The person making any inspection shall comply with reasonable animal health protection procedures as requested by the owner, operator, or certified livestock manager.

Upon completion of the construction or modification, but prior to placing the lagoon in service, the owner or operator of the livestock waste lagoon shall certify on a form provided by the Department that the lagoon has been constructed or modified in accordance with the standards set forth in subsection (a) of Section 15 and that the information provided on the registration form is correct.

(1) The certification notice to the Department shall include a certification statement and signature.

(2) The certification shall state: "I hereby certify that the information provided on this form is correct and that the lagoon has been constructed in accordance with the standards as required by the Livestock Management Facilities Act."

Within 10 business days of receipt of the certification of compliance, the Department shall inspect the lagoon site. The Department shall, within 5 business days of the date of inspection, send an official written notice by certified mail, return receipt requested, to the owner or operator of the facility indicating that all the requirements of this Section have been met or that deficiencies exist that must be corrected prior to the completion of the lagoon registration process and the placement of the lagoon into service. The owner or operator of the lagoon may proceed to place the lagoon in service after receipt of the Department's notice that all the requirements of this Section have been met.

(c) Complaint procedure. Any person having a complaint concerning an earthen livestock waste lagoon may file a complaint with the Agency. If the Agency finds that groundwater has been negatively impacted because of structural problems with the earthen lagoon, the Agency shall notify the Department that modification of the lagoon is necessary. The livestock owner or operator or the Department may request guidance from the United States Department of Agriculture Natural Resource Conservation Service or the University of Illinois Cooperative Extension Service.

The person making any inspection shall comply with animal health protection procedures as requested by the owner or operator.

Any earthen livestock waste lagoon in service prior to the effective date of the rules for implementation of this Act is not subject to registration but is only subject to the complaint procedure. However, any such livestock waste lagoon found impacting groundwater shall be required to be repaired, modified, or have procedures instituted so groundwater is not negatively impacted.

If an investigation reveals groundwater has been negatively impacted, the Department and Agency shall cooperate with the owner or operator of the affected livestock waste lagoon to provide a reasonable solution to protect the groundwater.

Nothing in this Section shall limit the Agency's authority under the Environmental Protection Act to investigate and respond to violations of the Environmental Protection Act or rules adopted under that Act.

(d) Livestock waste lagoon registration fee. The livestock waste lagoon registration fee is \$250.

(e) Closure of livestock waste lagoons. When any earthen livestock waste lagoon is removed from service, it shall be completely emptied. Appropriate closure procedures shall be followed as determined by rule. The remaining hole must be filled. The closure requirements shall be completed within two years from the date of cessation of operation unless the lagoon is maintained or serviced. The Department may grant a waiver to the before-stated closure requirements that will permit the lagoon to be used for an alternative purpose.

Upon a change in ownership of a registered earthen livestock waste lagoon, the owner shall notify the Department of the change within 30 working days of the closing of the transaction.

(f) Administrative authority. All actions of the Department of Agriculture are subject to the Illinois Administrative Procedure Act.

Any earthen livestock waste lagoon subject to registration shall not begin operation until the owner or operator of the lagoon has met the requirements of this Act.

The owner or operator of any earthen livestock waste lagoon subject to registration that has not been registered or constructed in accordance with standards set forth in subsection (a) of Section 15 shall, upon being identified as such by the Department, be given written notice by the Department to register and certify the lagoon within 10 working days of receipt of the notice. The Department may inspect such lagoon and require compliance in accordance with subsections (a) and (b) of this Section. If the owner or operator of the livestock waste lagoon that is subject to registration fails to comply with the notice, the Department may issue a cease and desist order until such time as compliance is obtained with the requirements of this Act. Failure to construct the lagoon in accordance with the construction plan and Department recommendations is a business offense punishable by a fine of not more than \$5,000.

(Source: P.A. 90-565, eff. 6-1-98; 91-110, eff. 7-13-99.)

(510 ILCS 77/16)

Sec. 16. Inspection of earthen livestock waste lagoons by Department. At least once each year on a random basis, the Department shall inspect every earthen livestock waste lagoon that services 1,000 or more animal units and is required to be registered under this Act. The owner or operator of the lagoon or a certified livestock manager must be present during the inspection. If the owner, operator, or certified livestock

manager is not present at the scheduled date, time, and place of the inspection, the inspection shall proceed in his or her absence. The person making the inspection shall conduct a visual inspection to determine only whether any of the following are present: burrow holes, trees or woody vegetation, proper freeboard, erosion, settling of the berm, bermtop maintenance, leaks, and seepage. The person making the inspection shall discuss with the owner, operator, or certified livestock manager an evaluation of the livestock waste lagoon's current condition and shall (i) provide on-site written recommendations to the owner, operator, or certified livestock manager of what corrective actions are necessary or (ii) inform the owner, operator, or certified livestock manager that the lagoon meets the standards set forth in this subsection.

The person making any inspection shall comply with reasonable animal health protection procedures as requested by the owner, operator, or certified livestock manager.

The Department shall send official written notice of any deficiencies to the owner or operator of the lagoon by certified mail, return receipt requested. The owner or operator and the Department shall enter into an agreement of compliance setting forth the specific action and timetable to correct the deficiencies. The person making the reinspection shall notify the Department of the results of the reinspection, and the Department shall take the appropriate action under this Section. If the Department's inspector finds a release or evidence of a release, the Department shall immediately report such information to the Agency.

For a first violation of this Section by the owner or operator of a livestock management facility or livestock waste handling facility, the Department shall send the owner or operator a written notice of the violation by certified mail, return receipt requested.

If after an administrative hearing the Department finds that the owner or operator of a livestock management facility or livestock waste handling facility has committed a second violation of this Section, the Department shall impose on the owner or operator a civil administrative penalty in an amount not exceeding \$1,000. The Attorney General may bring an action in the circuit court to enforce the collection of a penalty imposed under this Section.

If after an administrative hearing the Department finds that the owner or operator of a livestock management facility or livestock waste handling facility has committed a third violation of this Section, the Department shall enter an administrative order directing that the owner or operator cease operation of the facility until the violation is corrected.

If a livestock management facility or livestock waste handling facility has not committed a violation of this Section within the 5 years immediately preceding a violation, the violation shall be construed and treated as a first violation.

(Source: P.A. 90-565, eff. 6-1-98.)

Sec. 17. Financial responsibility. Owners of new or modified lagoons registered under the provisions of this Act shall establish and maintain evidence of financial responsibility to provide for the closure of the lagoons and the proper disposal of their contents within the time provisions outlined in this Act. Financial responsibility may be evidenced by any combination of the following:

- (1) Commercial or private insurance;
- (2) Guarantee;
- (3) Surety bond;
- (4) Letter of credit;
- (5) Certificate of Deposit or designated savings account;
- (6) Participation in a livestock waste lagoon closure fund managed by the Illinois Finance Authority.

The level of surety required shall be determined by rule and be based upon the volumetric capacity of the lagoon. Surety instruments required under this Section shall be required after the effective date of rules adopted for the implementation of this Act.

(Source: P.A. 93-205, eff. 1-1-04.)

(510 ILCS 77/18)

Sec. 18. Reporting release of waste.

(a) An owner or operator of a livestock waste handling facility shall report to the Agency any release of livestock waste from a livestock waste handling facility or from the transport of livestock waste within 24 hours after discovery of the release. Reporting shall not be required in the case of a release of less than 25 gallons that is not released to the waters of the State or from a controlled and recovered release during field application. For the purposes of this subsection (a), waters of the State do not include small temporary accumulations of surface water from precipitation or irrigation systems. The procedure for reporting releases shall be adopted by the Agency by rule.

(b) For a first violation of failing to report a release by the owner or operator of a livestock waste handling facility, the Department shall hold an administrative hearing. If, after an administrative hearing, the Department finds that an owner or operator of a livestock waste handling facility has violated subsection (a) of this Act, the Department shall assess a fine not exceeding \$1,000.

(c) For a second violation of failing to report a release by the owner or operator of a livestock waste handling facility within a 5-year period, the Department shall hold an administrative hearing. If, after the administrative hearing, the Department finds that the owner or operator of a livestock waste handling facility has committed a second violation of failing to report a release within a 5-year period, the Department shall impose on the owner or operator an administrative penalty in an amount not exceeding \$2,500. The Attorney General may bring an action in the circuit court to enforce the collection of a penalty imposed for failing to report a release.

(d) For a third or subsequent violation of failing to report a release by the owner or operator of a livestock waste

handling facility within a 5-year period, the Department shall hold an administrative hearing. If, after the administrative hearing, the Department finds that the owner or operator of a livestock waste handling facility has committed a third or subsequent violation of failing to report a release within a 5-year period, the Department shall impose on the owner or operator an administrative penalty in an amount not exceeding \$5,000 and shall seek an injunction in the circuit court through the Attorney General of the State of Illinois. The Attorney General may bring action in the circuit court to enforce the collection of a penalty imposed for failing to report a release.

(e) If the owner or operator of a livestock waste handling facility has not committed a violation of failing to report a release within the 5 years immediately preceding a violation, a violation shall be considered and treated as a first violation.

(Source: P.A. 91-110, eff. 7-13-99.)

(510 ILCS 77/20)

Sec. 20. Handling, storing and disposing of livestock waste.

(a) The livestock management facility owner or operator shall comply with the requirements for handling, storing, and disposing of livestock wastes as set forth in the rules adopted pursuant to the Illinois Environmental Protection Act concerning agriculture related pollution.

(b) The livestock management facility owner or operator at a facility of less than 1,000 animal units shall not be required to prepare and maintain a waste management plan.

(c) The livestock management facility owner or operator at a facility of 1,000 or greater animal units but less than 5,000 animal units shall prepare and maintain on file at the livestock management facility a general waste management plan. Notwithstanding this requirement, a livestock management facility subject to this subsection may be operated on an interim basis but not to exceed 6 months after the effective date of the rules promulgated pursuant to this Act to allow for the owner or operator of the facility to develop a waste management plan. The waste management plan shall be available for inspection during normal business hours by Department personnel.

(d) The livestock management facility owner or operator at a facility of 5,000 or greater animal units shall prepare, maintain, and submit to the Department the waste management plan for approval. Approval of the waste management plan shall be predicated on compliance with provisions of subsection (f). The waste management plan shall be approved by the Department before operation of the facility or in the case of an existing facility, the waste management plan shall be submitted within 60 working days after the effective date of the rules promulgated pursuant to this Act.

The owner or operator of an existing livestock management facility that through growth meets or exceeds 5,000 animal units shall file its waste management plan with the Department within 60 working days after reaching the stated animal units.

The owner or operator of a livestock management facility

that is subject to this subsection (d) shall file within 60 working days with the Department a revised waste management plan when there is a change as provided in subsection (e) of this Section that will materially affect compliance with the waste management plan.

(d-5) The owner or operator of multiple livestock management facilities under common facility ownership where the cumulative animal units of the facilities are equal to or greater than the animal unit numbers provided for in subsection (c) of this Section shall prepare and keep on file at each facility a waste management plan in accordance with the requirements of subsection (c). The owner or operator of multiple livestock management facilities that are under common facility ownership where the cumulative animal units of the facilities are equal to or greater than the animal unit numbers provided for in subsection (d) of this Section shall prepare and file with the Department a waste management plan in accordance with the provisions of subsection (d). Cumulative animal units shall be determined by combining the animal units of multiple livestock management facilities under the common facility ownership based upon the design capacity of each facility. For the purposes of this subsection (d-5), "under common facility ownership" means the same person or persons own, directly or indirectly, through majority owned business entities at least 51% of any person or persons (as defined by Section 10.55) that own or operate the livestock management facility or livestock waste handling facility located in the State of Illinois.

(e) The owner or operator of a livestock management facility shall update the waste management plan when there is a change in values shown in the plan under item (1) of subsection (f) of this Section. The waste management plan and records of livestock waste disposal shall be kept on file for three years.

(f) The application of livestock waste to the land is an acceptable, recommended, and established practice in Illinois. However, when livestock waste is not applied in a responsible manner, it may create pollutional problems. It should be recognized that research relative to livestock waste application based on livestock waste nutrient content is currently ongoing. The Dean of the College of Agricultural, Consumer and Environmental Sciences at the University of Illinois, or his or her designee, shall annually report to the Advisory Committee on the status of phosphorus research, including research that has been supported in whole or in part by the Illinois Council on Food and Agricultural Research. The Advisory Committee may also consult with other appropriate research entities on the status of phosphorus research. It is considered acceptable to prepare and implement a waste management plan based on a nitrogen rate, unless otherwise restricted by this Section. The waste management plan shall include the following:

(1) An estimate of the volume of livestock waste to be disposed of annually, which shall be obtained by multiplying the design capacity of the facility by the appropriate amount of waste generated by the animals. The values showing the amount of waste generated in Table 2-1,

Midwest Plan Service's, MWPS-18, Livestock Waste Management Facilities Handbook or Design Criteria for the field application of livestock waste adopted by the Agency may be used.

(2) The number of acres available for disposal of the waste, whether they are owned by the owner or operator of the livestock waste management facility or are shown to be contracted with another person or persons for disposal of waste.

(3) An estimate of the nutrient value of the waste. The owner or operator may prepare a plan based on an average of the minimum and maximum numbers in the table values derived from Midwest Plan Service's, MWPS-18, Livestock Waste Facilities Handbook, the Agency's Agriculture Related Pollution regulations, or the results of analysis performed on samples of waste. For the purposes of compliance with this subsection, the nutrient values of livestock waste may vary as indicated in the source table. In the case of laboratory analytical results, the nutrient values may vary with the accuracy of the analytical method.

(3.5) Results of the Bray P1 or Mehlich test for soil phosphorus reported in pounds of elemental phosphorus per acre. Soil samples shall be obtained and analyzed from the livestock waste application fields on land owned or under the control of the owner or operator where applications are planned. Fields where livestock waste is applied shall be sampled every 3 years. Sampling procedures, such as the number of samples and the depth of sampling, as outlined in the current edition of the Illinois Agronomy Handbook shall be followed when soil samples are obtained.

(3.6) If the average Bray P1 or Mehlich test result for soil phosphorus calculated from samples obtained from the application field is 300 pounds or less of elemental phosphorus per acre, livestock waste may continue to be applied to that field in accordance with subsection (f) of this Section. If the average Bray P1 or Mehlich test result for soil phosphorus for an application field is greater than 300 pounds of elemental phosphorus per acre, the owner or operator shall apply livestock waste at the phosphorus rate to the field until the average Bray P1 or Mehlich test for soil phosphorus indicates there is less than 300 pounds of elemental phosphorus per acre. Upon the development of a phosphorus index that is approved subject to the provisions established in Section 55 of this Act, the owner or operator shall use such index in lieu of the 300 pounds of elemental phosphorus per acre.

(4) An indication that the livestock waste will be applied at rates not to exceed the agronomic nitrogen demand of the crops to be grown when averaged over a 5-year period.

(5) A provision that livestock waste applied within 1/4 mile of any residence not part of the facility shall be injected or incorporated on the day of application. However, livestock management facilities and livestock waste handling facilities that have irrigation systems in

operation prior to the effective date of this Act or existing facilities applying waste on frozen ground are not subject to the provisions of this item (5).

(6) A provision that livestock waste may not be applied within 200 feet of surface water unless the water is upgrade or there is adequate diking, and waste will not be applied within 150 feet of potable water supply wells.

(7) A provision that livestock waste may not be applied in a 10-year flood plain unless the injection or incorporation method of application is used.

(8) A provision that livestock waste may not be applied in waterways.

(9) A provision that if waste is spread on frozen or snow-covered land, the application will be limited to land areas on which:

(A) land slopes are 5% or less, or

(B) adequate erosion control practices exist.

(10) Methods for disposal of animal waste.

(g) Any person who is required to prepare and maintain a waste management plan and who fails to do so shall be issued a warning letter by the Department for the first violation and shall be given 30 working days to prepare a waste management plan. For failure to prepare and maintain a waste management plan, the person shall be fined an administrative penalty of up to \$1,000 by the Department and shall be required to enter into an agreement of compliance to prepare and maintain a waste management plan within 30 working days. For failure to prepare and maintain a waste management plan after the second 30 day period or for failure to enter into a compliance agreement, the Department may issue an operational cease and desist order until compliance is attained.

(Source: P.A. 91-110, eff. 7-13-99; 92-16, eff. 6-28-01.)

(510 ILCS 77/25)

Sec. 25. Odor control.

(a) Operators of livestock waste handling facilities shall practice odor control methods during the course of manure removal and field application. Odor control methods shall be those methods identified in the rules adopted pursuant to the Illinois Environmental Protection Act concerning agriculture related pollution.

(b) Every single-stage livestock waste lagoon constructed after the effective date of this amendatory Act of 1997 shall comply with the following operational guidelines:

(1) In operation, the lagoon must be maintained at not less than the minimum design volume.

(2) The livestock waste supply to the lagoon must be below the minimum design volume level.

(3) The livestock waste storage capacity of the lagoon must be greater than 270 days.

(c) Above-ground livestock waste holding structures must be operated using odor control management guidelines based on scientific peer review accepted by the Department and determined to be economically feasible to the specific operation.

(d) For a first violation of this Section by the owner or operator of a livestock management facility or livestock waste handling facility, the Department shall send the owner or operator a written notice of the violation by certified mail, return receipt requested.

If after an administrative hearing the Department finds that the owner or operator of a livestock management facility or livestock waste handling facility has committed a second violation of this Section, the Department shall impose on the owner or operator a civil administrative penalty in an amount not exceeding \$1,000. The Attorney General may bring an action in the circuit court to enforce the collection of a penalty imposed under this Section.

If after an administrative hearing the Department finds that the owner or operator of a livestock management facility or livestock waste handling facility has committed a third violation of this Section, the Department shall enter an administrative order directing that the owner or operator cease operation of the facility until the violation is corrected.

If a livestock management facility or livestock waste handling facility has not committed a violation of this Section within the 5 years immediately preceding a violation, the violation shall be construed and treated as a first violation.

(Source: P.A. 89-456, eff. 5-21-96; 90-565, eff. 6-1-98.)

(510 ILCS 77/30)

Sec. 30. Certified Livestock Manager. The Department shall establish a Certified Livestock Manager program in conjunction with the livestock industry that will enhance management skills in critical areas, such as environmental awareness, safety concerns, odor control techniques and technology, neighbor awareness, current best management practices, and the developing and implementing of manure management plans.

(a) Applicability. A livestock waste handling facility serving 300 or greater animal units shall be operated only under the supervision of a certified livestock manager. Notwithstanding the before-stated provision, a livestock waste handling facility may be operated on an interim basis, but not to exceed 6 months, to allow for the owner or operator of the facility to become certified.

(b) A certification program shall include the following:

(1) A general working knowledge of best management practices.

(2) A general working knowledge of livestock waste handling practices and procedures.

(3) A general working knowledge of livestock management operations and related safety issues.

(4) An awareness and understanding of the responsibility of the owner or operator for all employees who may be involved with waste handling.

(c) Any certification issued shall be valid for 3 years and thereafter be subject to renewal. A renewal shall be valid for a 3 year period and the procedures set forth in this Section shall be followed. The Department may require anyone who is certified to be recertified in less than 3 years for

just cause including but not limited to repeated complaints where investigations reveal the need to improve management practices.

(d) Methods for obtaining certified livestock manager status.

(1) The owner or operator of a livestock waste handling facility serving 300 or greater animal units but less than 1,000 animal units shall become a certified livestock manager by:

(A) attending a training session conducted by the Department of Agriculture, Cooperative Extension Service, or any agriculture association, which has been approved by or is in cooperation with the Department; or

(B) in lieu of attendance at a training session, successfully completing a written competency examination.

(2) The owner or operator of a livestock waste handling facility serving 1,000 or greater animal units shall become a certified livestock manager by attending a training session conducted by the Department of Agriculture, Cooperative Extension Service, or any agriculture association, which has been approved by or is in cooperation with the Department and successfully completing a written competency examination.

(e) The certified livestock manager certificate shall be issued by the Department and shall indicate that the person named on the certificate is certified as a livestock management facility manager, the dates of certification, and when renewal is due.

(f) For the years prior to 2011, the Department shall charge \$10 for the issuance or renewal of a certified livestock manager certificate. For the years 2011 and thereafter, the Department shall charge \$30 for the issuance or renewal of a certified livestock manager certificate. The Department may, by rule, establish fees to cover the costs of materials and training for training sessions given by the Department.

(g) The owner or operator of a livestock waste handling facility operating in violation of the provisions of subsection (a) of this Section shall be issued a warning letter for the first violation and shall be required to have a certified manager for the livestock waste handling facility within 30 working days. For failure to comply with the warning letter within the 30 day period, the person shall be fined an administrative penalty of up to \$1,000 by the Department and shall be required to enter into an agreement to have a certified manager for the livestock waste handling facility within 30 working days. For continued failure to comply, the Department may issue an operational cease and desist order until compliance is attained.

(Source: P.A. 96-1310, eff. 7-27-10.)

(510 ILCS 77/35)

Sec. 35. Setbacks for livestock management and livestock handling facilities.

(a) Grandfather provision; facilities in existence prior

to July 15, 1991. Livestock management facilities and livestock waste handling facilities in existence prior to July 15, 1991 shall comply with setbacks in existence prior to July 15, 1991, as set forth in the Illinois Environmental Protection Act and rules promulgated under that Act.

(b) Grandfather provision; facilities in existence on effective date and after July 15, 1991. Livestock management facilities and livestock waste handling facilities in existence on the effective date of this Act but after July 15, 1991 shall comply with setbacks in existence prior to the effective date of this Act, as set forth in the Illinois Environmental Protection Act and rules promulgated under that Act.

(c) New livestock management or livestock waste handling facilities. Any new facility shall comply with the following setbacks:

(1) For purposes of determining setback distances, minimum distances shall be measured from the nearest corner of the residence or place of common assembly to the nearest corner of the earthen waste lagoon or livestock management facility, whichever is closer.

(2) A livestock management facility or livestock waste handling facility serving less than 50 animal units shall be exempt from setback distances as set forth in this Act but shall be subject to rules promulgated under the Illinois Environmental Protection Act.

(3) For a livestock management facility or waste handling facility serving 50 or greater but less than 1,000 animal units, the minimum setback distance shall be 1/4 mile from the nearest occupied residence and 1/2 mile from the nearest populated area.

(4) For a livestock management facility or livestock waste handling facility serving 1,000 or greater but less than 7,000 animal units, the setback is as follows:

(A) For a populated area, the minimum setback shall be increased 440 feet over the minimum setback of 1/2 mile for each additional 1,000 animal units over 1,000 animal units.

(B) For any occupied residence, the minimum setback shall be increased 220 feet over the minimum setback of 1/4 mile for each additional 1,000 animal units over 1,000 animal units.

(5) For a livestock management facility or livestock waste handling facility serving 7,000 or greater animal units, the setback is as follows:

(A) For a populated area, the minimum setback shall be 1 mile.

(B) For any occupied residence, the minimum setback shall be 1/2 mile.

(d) Requirements governing the location of a new livestock management facility and new livestock waste-handling facility and conditions for exemptions or compliance with the maximum feasible location as provided in rules adopted pursuant to the Illinois Environmental Protection Act concerning agriculture regulated pollution shall apply to those facilities identified in subsections (b) and (c) of this Section. With regard to the maximum feasible location requirements, any reference to a

setback distance in the rules under the Illinois Environmental Protection Act shall mean the appropriate distance as set forth in this Section.

(e) Setback category shall be determined by the design capacity in animal units of the livestock management facility.

(f) Setbacks may be decreased when innovative designs as approved by the Department are incorporated into the facility.

(g) A setback may be decreased when waivers are obtained from owners of residences that are occupied and located in the setback area.

(Source: P.A. 91-110, eff. 7-13-99.)

(510 ILCS 77/40)

Sec. 40. Environmental research. Environmental research is critical to a livestock producer's ability to implement sound, integrated management systems that will enhance industry profitability and protect the environment.

The Department of Agriculture shall annually request appropriations to fund environmental research projects pertinent to livestock management facilities. Projects may include both university research and on-farm applied research. Priorities should be given to the following:

(1) Determination of the contribution of soil applied livestock nutrient volatilization, leaching or storage in the soil and methods of application.

(2) Integrated systems that maintain and enhance water quality.

(3) Odor reduction and control through chemical, biological, or mechanical means.

(4) Environmental quality in livestock facilities affecting owner, operator, and employee health.

(5) Environmental quality that could affect residents who live adjacent to livestock facilities.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/45)

Sec. 45. Tax abatement on environmental equipment. The Department in cooperation with the Agency and the Department of Revenue shall recommend to the General Assembly incentive programs that will provide for the abatement of state income tax or real estate tax on capital expenditures made by the facility owner for purchasing equipment that will mitigate air and water quality problems.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/50)

Sec. 50. Intergovernmental cooperation. The Department shall consult and advise owners and operators of livestock management facilities serving 7,000 or greater animal units of applicable laws and rules relating to environmental laws and rules, the Water Use Act of 1983, and local road standards.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/55)

Sec. 55. Rules; Livestock Management Facilities Advisory Committee.

(a) There is hereby established a Livestock Management

Facilities Advisory Committee, which shall include the Directors of the Department of Agriculture, the Environmental Protection Agency, the Department of Natural Resources, and the Department of Public Health, or their designees. The Director of Agriculture or his or her designee shall serve as the Chair of the Advisory Committee. Members of the Advisory Committee may organize themselves as they deem necessary and shall serve without compensation.

(b) The Advisory Committee shall review, evaluate, and make recommendations to the Department of Agriculture for rules necessary for the implementation of this Act. Based upon the recommendations of the Advisory Committee, the Department of Agriculture shall: (i) propose rules to the Pollution Control Board for the implementation of design and construction standards for livestock waste handling facilities as set forth in Sections 13 and 15(a-5) of this Act based upon the standards set forth in the American Society of Agricultural Engineers' Standards, Engineering Practices and Data (ASAE Standards) and future updates, Midwest Plan Service's Concrete Manure Storage Handbook (MWPS-36) and future updates and related supplemental technical documents, the Midwest Plan Service's Livestock Waste Facilities Handbook (MWPS-18) and future updates and related supplemental technical documents or similar standards used by the Natural Resources Conservation Service of the United States Department of Agriculture; and (ii) on and after the effective date of this amendatory Act of 1999, provide public notice in the State newspaper, the Illinois Register, and on the Department's Internet website; hold public hearings during the first notice period; and take public comments and adopt rules pursuant to the Illinois Administrative Procedure Act for all Sections of this Act other than design and construction standards for livestock waste handling facility as set forth in Sections 13 and 15(a-5).

(c) The Pollution Control Board shall hold hearings on and adopt rules for the implementation of design and construction standards for livestock waste handling facilities as set forth in Sections 13 and 15(a-5) of this Act in the manner provided for in Sections 27 and 28 of the Environmental Protection Act. Rules adopted pursuant to this Section shall take into account all available pollution control technologies and shall be technologically feasible and economically reasonable.

(d) The Advisory Committee shall meet once every 6 months after the effective date of this amendatory Act of 1997 to review, evaluate, and make recommendations to the Department of Agriculture concerning the Department's random inspection of livestock waste lagoons under Section 16 of this Act.

(Source: P.A. 90-565, eff. 6-1-98; 91-110, eff. 7-13-99.)

(510 ILCS 77/60)

Sec. 60. The Livestock Management Facilities Fund. The Livestock Management Facilities Fund is created as a special fund in the State treasury. All fees and fines collected under this Act shall be deposited into this Fund. These moneys shall be appropriated to the Department for the purposes of this Act.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/100)

Sec. 100. Nothing in this Act shall be construed as a limitation or preemption of any statutory or regulatory authority under the Illinois Environmental Protection Act.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/105)

Sec. 105. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 89-456, eff. 5-21-96.)

(510 ILCS 77/200)

Sec. 200. (Amendatory provisions; text omitted).

(Source: P.A. 89-456, eff. 5-21-96; text omitted.)

(510 ILCS 77/999)

Sec. 999. Effective date. This Act takes effect upon becoming law.

(Source: P.A. 89-456, eff. 5-21-96.)



Anna Paul <apaul@barringtonhills-il.gov>

Statement Concerning the proposed "Drury Amendment"

Jane Clement <janeclement55@gmail.com>
To: Anna Paul <apaul@barringtonhills-il.gov>

Mon, Aug 15, 2016 at 6:55 AM

Village of Barrington Hills

Monday August 15 2016

I, Jane Clement, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Please enter this into the public record of the August2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing

Address:

31W300 Healy Road

Barrington Hills IL60010

Thank you,

Jane Clement

Submitted by Jane Clement

BARRINGTON HILLS RESIDENT/LANDOWNER
STATEMENT CONCERNING THE PROPOSED
"DRURY AMANDMENT"

I, Mary Beth Holsteen, am opposed to
The proposed "Drury Amendment" regarding horse boarding in
Barrington Hills.

To be entered into the public record of the August 15, 2016 Village of
Barrington Hills Zoning Board of Appeals Public Hearing

Signed: _____

Mary Beth Holsteen

Date: _____

8/15/2016

Address: _____

4 Saville Row,

Barrington Hills, IL 60010

BARRINGTON HILLS RESIDENT/LANDOWNER
STATEMENT CONCERNING THE PROPOSED
"DRURY AMENDMENT"

I, Lauren Foos, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills. This amendment is unnecessary as the current language fairly protects both horse owners and non-horse owners alike, while keeping the Barrington Hills legacy of being an Equestrian village intact. This equestrian legacy should be celebrated and improved upon to increase our property values.

The ZBA has been hijacked by our village president who appointed members who he knows will 'rubber stamp' the Drury amendment. The Drury amendment benefits one person that we know of – Drury. Barrington Hills does not have a 'commercial' horse boarding problem. It never has had a horse boarding problem. In fact, I have lived here since 1970 and have seen only a decrease in boarding facilities, and have never heard of any other issue besides the LeCompte-Drury battle.

Barrington Hills has been caught in a neighbor vs. neighbor dispute. Of course it boils down to money. Mr. Drury does not want to pay the legal bills he incurred and caused by being a bad, hypocritical neighbor. I find it abhorrent and hypocritical that at one time he boarded over 20 horses with Mr. LeCompte and used the LeCompte polo field as his own practice area. Whatever their argument was about it has cost this village money, time, and the peace of living in a well-run cohesive village.

I implore you ZBA and Martin McLaughlin to put this nonsense and non-issue to a close by upholding the current language, voting NO on Drury amendment, and sending Drury home to pay his bills and leave our lovely village in peace.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing

Signed: Lauren B Foos
Date: August 15, 2016
Address: 90 Meadow Hill Rd.



Tonight's ZBA meeting

Lynn Topping <ydoc2005@comcast.net>
To: apaul@barringtonhills-il.gov

Mon, Aug 15, 2016 at 3:35 PM

Barrington Hills Resident Statement Concerning The Proposed "Drury Amendment"

I, Margaret Lynn Topping residing at 117 Brinker Road, Barrington Hills, IL 60010, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

I have lived in this community for over twenty two years and have yet to see a reason to restrict horse boarding at any level.

For example the case for the proposed ordinance in 2003 "establishing certain types of artificial lighting as a nuisance" was strongly rejected by residents as invading the rights of a landowner. Barrington Hills residents have managed their own property for decades and should be allowed to continue to do so.

If the rare occurrence of a resident mis-managing their property were to occur, the current nuisance ordinance would then be appropriate to uphold.

In my opinion, there are two groups of people currently living in Barrington Hills. People who agree the rights as a landowner should not be violated in regard to noise, smell and appearance as a result of their neighbor and should be addressed through the current nuisance ordinance as well as believing in the protection of the five acre zoning. This group cares about maintaining the current integrity of the community.

The second group is a small number of individuals cleverly disguising themselves as being a part of the first group but in reality are out to destroy Oakwood Farm and five acre zoning for their own personal benefit.

Our local government must act as an impartial group in managing the community.

Thank you

Lynn Topping

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Hannah Stevens am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: [Signature] Date: 8/15/16

Print Name: Hannah Stevens

Address: 31W952 Penny Rd
Barrington Hills IL 60010

847 644 6188

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Connie Stevens, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: C.S. Date: 8/15/16
Print Name: Connie Stevens
Address: 31W 952 Penny Rd
Barrington Hills 60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Alexis Freeman, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Alexis Freeman Date: 8/15/16

Print Name: Alexis Freeman

Address: 87 Otis Rd, Barrington Hills,
IL 60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Melanie Rousseau, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Melanie Rousseau Date: August 15, 2016

Print Name: Melanie Rousseau

Address: 127 Buckley Rd.
Barrington, IL 60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Elizabeth Clarke, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Elizabeth Clarke Date: August 15 2016

Print Name: Elizabeth Clarke

Address: 21960 N Harbor Rd ,

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, MARY P. NAUMANN, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Mary P. Naumann

Date: 8/15/2016

Print Name:

MARY NAUMANN

Address:

11241 Hoegers Bend Rd, Barr. Hills, 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, JILL Zubak, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Jill Zubak Date: 8/15/16

Print Name:

Jill Zubak

Address:

129 Brinker Rd

B.H. IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, KAREN SELMAN, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Karen Selman Date: 8-15-16
KAREN SELMAN

Print Name:

Address:

116 Brinker Rd.
Barrington Hills, IL

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Jackie McMahon, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____

Date: 8/15/16

Print Name: _____

Jackie McMahon

Address: _____

10306 Braeburn Rd Barrington Hills, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Jenny Drecoll, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Jennifer Drecoll Date: 8/15/16

Print Name:

Jennifer Drecoll

Address:

246 Steeplechase Rd, Barrington Hills, IL

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, MELISSA WASHOR, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Melissa Washor

Date: 8/15/16

Print Name:

MELISSA WASHOR

Address:

357 OLD SUTTON RD BH. IL

60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, LARRY WASHOW, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: L. Washow Date: 8/15/16

Print Name:

LARRY WASHOW

Address:

357 OLD SUTTON RD , B14 IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Georgette Rubenstein, am opposed to the proposed
"Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and
adopted by the Board of Trustees in 2015 provides the right balance of neighbor
protection and freedom to operate best practice horse boarding, and so does not
need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington
Hills Zoning Board of Appeals Public Hearing.

Signed: Georgette Rubenstein Date: 8-15-16

Print Name: Georgette D Rubenstein

Address: 342 Ridge Rd Barrington Hills
60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, LAURA M. ALTER, am opposed to the proposed
"Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and
adopted by the Board of Trustees in 2015 provides the right balance of neighbor
protection and freedom to operate best practice horse boarding, and so does not
need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington
Hills Zoning Board of Appeals Public Hearing.

Signed: Laura M. Alter Date: 8-15-16

Print Name: LAURA M. ALTER


Address: 338 RIDGE ROAD
BARRINGTON HILLS IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Daniel C. Alter, am opposed to the proposed
"Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and
adopted by the Board of Trustees in 2015 provides the right balance of neighbor
protection and freedom to operate best practice horse boarding, and so does not
need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington
Hills Zoning Board of Appeals Public Hearing.

Signed:  Date: 8-
8/15/16

Print Name: Daniel C. Alter morpho

Address: 338 + 342 Ridge Road

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Drew McMahon, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Drew McMahon Date: 8/15/16

Print Name:

Drew McMahon

Address:


10306 Braeburn Rd Barrington Hills IL 60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Paul Jansson, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.


Signed:  Date: 8/15/2016
Print Name: Paul B. Jansson
Address: 612 Plumtree Road
Barrington Hills, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Susan Jansson, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed:  Date: 8/15/16

Print Name: Susan Jansson

Address: 612 Plumtree Rd
Barrington Hills IL 60018

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Leslie A. Coolidge, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Leslie A. Coolidge Date: 8-15-16

Print Name: Leslie A Coolidge

Address: 315 Oak Sutton Rd, Barrington Hills, IL 60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Judith Freeman, am opposed to the proposed "Drury
Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by
the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom
to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning
Board of Appeals Public Hearing.

Signed: JK Freeman Date: Aug 15 2016
Print Name: Judith K Freeman
Address: 87 Otis Road
Barrington Hills IL 60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, MAUREEN PRETTYMAN, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Maureen Prettyman Date: 8-15-16

Print Name: MAUREEN PRETTYMAN

Address: 119 Deepwood Rd
Barrington Hills

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, CHARLES PRETTYMAN, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

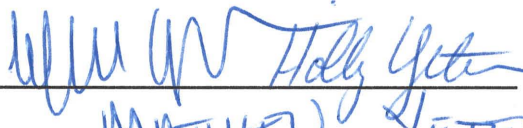
Signed: Charles Prettyman Date: 8-15-16
Print Name: CHARLES PRETTYMAN
Address: 119 DEERWOOD RD
BARRINGTON HILLS

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, MATT & Holly Veteran, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed:  Date: 8.15.16
Print Name: MATTHEW VETERIAN
Address: 13 Deepwood Rd.
Barrington Hills, IL 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, LAURA PERCIN, am opposed to
the proposed "Drury Amendment" regarding horse
boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by
the ZBA in 2014 and adopted by the Board of Trustees in
2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does
not need revision or review at this time.

To be entered into the public record of the August 15, 2016
Village of Barrington Hills Zoning Board of Appeals Public
Hearing.

Signed: LAURA PERCIN 8-15-2016 Date:

Print Name:

Address:

10350 Braeburn Road
Barrington Hills, IL 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, JAN-DIRK LUEDERS, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: J-D. Lueders Date: 8-15-16

Print Name:

JAN-DIRK LUEDERS

Address:

700 PLUM TREE RD.

BARRINGTON HILLS

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, FRANK LUEDERS, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Frank Lueders 8/15/16 Date:

FRANK LUEDERS

Print Name:

700 PLUM TREE RD

Address:

BARRINGTON HILLS

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, Edward McKinley, am opposed to
the proposed "Drury Amendment" regarding horse
boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by
the ZBA in 2014 and adopted by the Board of Trustees in
2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does
not need revision or review at this time.

To be entered into the public record of the August 15, 2016
Village of Barrington Hills Zoning Board of Appeals Public
Hearing.

Signed: [Signature] 8/15/16 Date:

Edward McKinley

Print Name:

Address:

1 Jennifer Ct. Barrington Hills, IL

60018

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Tomasz Helenowski, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: T. Helenowski Date: 8/15/2016
Print Name: TOMASZ K. HELENOWSKI
Address: 365 BATEMAN RD

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, CHERYL COOK, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Cheryl Cook
CHERYL COOK

Date: 8-15-16

Print Name:

CHERYL A. COOK

Address:

52 RIDGE RD. BARRINGTON, IL 60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Erin Cotter, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Erin Cotter Date: 8/15/2016
Print Name: Erin Cotter
Address: 55 Ridge Rd BH IL 60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Oliver Cotter, am opposed to the proposed "Drury
Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted
by the Board of Trustees in 2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does not need revision or review at
this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

Signed:  Date: 8/15/2016

Print Name: Oliver Cotter

Address: 55 Ridgely Rd BM IL 40010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Donna Ewing, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Donna Ewing Date: 8-15-2016
Print Name: Donna Ewing
Address: 242 Oak Knoll Rd.
Barrington Hills, IL 60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Ronda Griffin, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Ronda Griffin Date: 8/15/16

Print Name: Ronda Griffin

Address: 244 Oak Knoll Rd

Barrington Hills, IL 60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Holly Tauch, am opposed to the proposed "Drury
Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by
the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom
to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning
Board of Appeals Public Hearing.

Signed: Holly Tauch Date: 8/15/2016

Print Name: Holly Tauch

Address: 7 Cross Timber Rd
Barrington Hills, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Eve E. Perry, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Eve E. Perry Date: August 14, 2016

Print Name: Eve E. Perry

Address: 3 Porter School Road, Barrington, Hills, IL 60010-2667


Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Chet Perry, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____



Date: August 14, 2016

Print Name: Chet Perry

Address: 3 Porter School Road, Barrington, Hills, IL 60010-2667

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, STEVEN KNOOP, am opposed to the proposed "Drury
Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted
by the Board of Trustees in 2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does not need revision or review at
this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

Signed: 

Date: 8/15/16

Print Name: Steven Knop

Address: 3207 S Rd

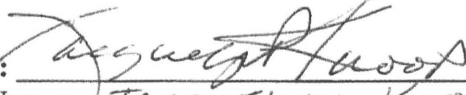
Barrington Hills, IL 60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, JACQUELYN KNOOP, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed:  Date: 8/15/16
Print Name: JACQUELYN KNOOP
Address: 320TH RD.
BARRINGTON HILLS, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Marty Fahey, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Marty Fahey Date: _____

Print Name: _____

MARTY FAHEY

Address: _____

71 WINDRUSH LANE

BARRINGTON IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Kurt Anderson, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: 

Date: 8/15/16

Print Name:

3 EAGLE PT DR Barrington Hills IL

Address:

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, DARYL ADAMS, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed:  Date: 8/15/16

Print Name: R. DARYL ADAMS

Address: 207 BRAEBORN RD

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Ken Kedzierski, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____

Date: 8/15/16

Print Name: _____

Ken Kedzierski

Address: _____

181 F Old Sutton Rd Barrington Hills, IL
60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Char Christin, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Char Christin Date: 8/15/16

Print Name:

Char Christin

Address:

181 F Old Sutton Rd Barrington Hills, IL
60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Tedd Gagen, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Tedd Gagen Date: 8/15/16
Print Name: Tedd Gagen
Address: 8 Roundstone Ln.
Barrington Hills, IL 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, ALAN NORDSTADT, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Alan Nordstadt

Date:

8/14/2016

Print Name:

ALAN NORDSTADT

Address:

1 HUBBELL CT

BARRINGTON HILLS ILLINOIS
60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Charlotte Ozymnia, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Charlotte Ozymnia Date: 8-15-16

Print Name:

CHARLOTTE OZYMIA

Address:

188 OLD SUTTON RD

BARRINGTON HILLS ILL.
60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, Janae Dyson, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Janae Dyson
JANAE DYSON

Date: 8-15-2016

Print Name:

Address:

188 Old Sutton Rd Barr. Hills, Ill 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, Ashley Dweel, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Ashley Dweel Date: 8/15/16
Ashley Dweel

Print Name:

Ashley Dweel

Address:

170 Old Sutton Rd Barrington Hills
IL 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, MARY OSTROM, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Mary Ostrom Date: 8/15/2016

Print Name:

MARY OSTROM

Address:

1 CREEKSIDE LANE

BARRINGTON HILLS, IL 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, Catherine Heck, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Catherine M Heck Date: _____

Print Name:

Catherine Heck

Address:

180 Old Sutton, Barrington Hills, IL

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, MAX D. PERSELS, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____

Max D. Persels

Date: 15 AUG, 2016

Print Name: _____

MAX D. PERSELS

Address: _____

16 CREEKSIDE LN BARRINGTON HILLS, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, NANCY L. ANDERSON-PERSELS, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Nancy L. Anderson-Perseles Date: 8/15/16

Print Name:

NANCY L. ANDERSON-PERSELS

Address:

16 CREEKSIDE LANE

BARRINGTON HILLS, IL. 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, KARIN CRAIGLER, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____

Karin Craigler

Date: _____

Print Name: _____

180A Old Sutton Rd.

Address: _____

BARRINGTON HILLS IL. 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, MARK GRZESKIEWICZ, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____

Date: 8-15-16

Print Name: _____

MARK GRZESKIEWICZ

Address: _____

180A Old Sutton Rd

BARRINGTON HILLS, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, STANLEY BIELSKI, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Stanley E Bielski Date: 8-15-2016

Print Name: STANLEY BIELSKI

Address: 40 SPRING LANE

BARRINGTON HILLS

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, JOYCE BIELSKI, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Joyce L. Bielski Date: 8-15-16

Print Name:

JOYCE L. BIELSKI

Address:

40 SPRING LANE

BARRINGTON HILLS

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, James German, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____

James M. German

Date: 8/15/16

Print Name: _____

10 Hubbell Ct, Barrington Hills, IL 60010

Address: _____

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, Michael Gersten, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Michael Gersten Date: _____

Print Name: Michael Gersten

Address: 2 Hubbell

Barrington Hills, IL 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, Jennifer Gersten, am opposed to
the proposed "Drury Amendment" regarding horse
boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by
the ZBA in 2014 and adopted by the Board of Trustees in
2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does
not need revision or review at this time.

To be entered into the public record of the August 15, 2016
Village of Barrington Hills Zoning Board of Appeals Public
Hearing.

Signed:  Date: _____

Print Name: _____

Jennifer Gersten

Address: _____

2 Hubbell Court

Barrington Hills IL 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, KENNETH LYALL, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____

Date: 8/15/2016

Print Name: _____

KENNETH LYALL

Address: _____

29 OAKDEN RD.

BARRINGTON HILLS, 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, GAIL F. LYALL, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Gail F. Lyall Date: 8/15/16
GAIL F. LYALL

Print Name:

Address:

29 OAKDENE DR.

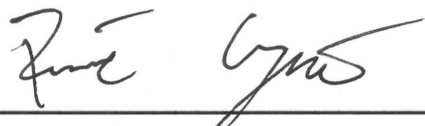
BARRINGTON HILLS

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, Ronnie Canizaso, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed:  Date: _____
Ronnie Canizaso

Print Name:

Address:

189 Old Sutton Rd. Barrington Hills, IL

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, Joseph Buras, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____



Date: _____

Print Name: _____

Joseph Buras

Address: _____

189 Old Sutton Rd Barrington Hills, IL
60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, LISABETH NOPARSTAK, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____

Date: 08/15/16

Print Name: _____

LISABETH NOPARSTAK

Address: _____

1 HUBBELL CT., BARRINGTON HILLS

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, TRAVIS NOPARSTAK, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____

Date: _____

Print Name: _____

TRAVIS NOPARSTAK

Address: _____

1 HUBBELL CT.

BARRINGTON HILLS, IL 60010

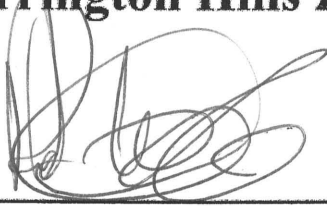
Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Rich J. Wolnik Jr, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____



Date: Aug 15, 2016

Print Name: _____

Rich Wolnik Jr

Address: _____

1 Deepwood Rd, Barrington Hills, IL
60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Victoria Kelly , am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed:  _____ Date: 8/15/16

Print Name: Victoria Kelly

Address: 186 Old Sutton

Barrington Hills

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Gisela Baltensperger, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: G. Baltensperger Date: 8-15-16

Print Name:

Gisela Baltensperger

Address:

11311 Haegers Bend Rd
Barrington Hills Ill. 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Ann Malinski, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Ann Malinski Date: 8/15/16

Print Name:

Ann Malinski

Address:

3205 Spring Creek Rd BH

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Sally Robinson, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: 

Date: 15th Aug 2016

Print Name:

Sally Robinson

Address:

123 Deepwood Ct. BH 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, KAREN ROSENE, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Karen Rose 8/15/16 Date:

Print Name:

KAREN ROSENE

Address:


208-1 Bruceburn Del., Barrington Hills, IL 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, John Rosene, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed:  Date: 8/15/16

Print Name:

John Rosene

Address:

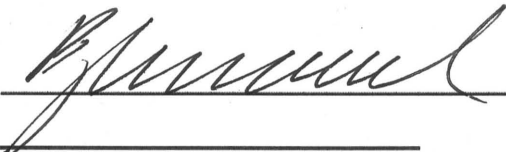
208-A Braeburn Road, Barrington Hills, IL 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, JESSICA UNDERWOOD, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed:  Date: 8/15/16

Print Name:

JESSICA UNDERWOOD

Address:

27 RIDGE RD BH 60010

**Barrington Hills Resident/Landowner
Statement Concerning the Proposed "Drury
Amendment"**

I, VIRGINIA UNDERWOOD, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____



Date: 8/15/16

Print Name: _____

VIRGINIA UNDERWOOD

Address: _____

27 RIDGE RD, BARRINGTON HILLS, IL

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Charles F. Meroni Jr, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed:

Charles F. Meroni Jr ² Date: 8/14/16

Print Name:

Charles F. Meroni Jr

Address:

5 Bellwood Drive Barrington Hills
60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Patty Meroni, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Patty Meroni Date: 8/15/16

Print Name:

PATY MERONI

Address:

5 BELLWOOD RD

BARRINGTON HILLS, IL

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Craig C. Morosco, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Craig Morosco Date:

8/14/2016

Print Name:

Craig C. Morosco

Address:

7 Bellwood Drive Barrington Hills, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Edna Margaret Eich, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Edna Margaret Eich Date: 8/14/2016

Print Name:

Edna Margaret Eich

Address:

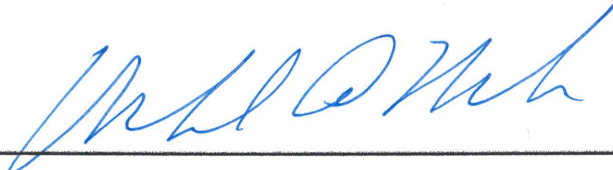
7 Bellwood Drive Barrington Hills, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, MICHAEL A MOLLI, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: 

Date: 8-15-2016

Print Name: _____

MIKE MOLLI

Address: _____

16 Bellwood Drive BH, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Elizabeth Molli, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Elizabeth Molli Date: 8.15.16

Print Name:

ELIZABETH MOLLI

Address:

16 BELLWOOD DRIVE, BARRINGTON HILLS

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Emily Molli, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Emily Molli Date: 8-15-2016

Print Name:

Emily Molli

Address:

16 Bellwood Dr.

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, EMILY M HUGH (Emily McHugh) am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Emily McHugh Date: 8/15/16
Print Name: EMILY M HUGH
Address: 206 BRAEBURN RD.
BARRINGTON HILLS, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, ELIZABETH SOYER, am opposed to the proposed "Drury
Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by
the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom
to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning
Board of Appeals Public Hearing.

Signed:  Date: 8-15-2016

Print Name: ELIZABETH SOYER

Address: 10415 Church Rd.

BARRINGTON HILLS, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Thomas Schimpf, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed:  Date: 8-15-16

Print Name: THOMAS SCHIMPF

Address: 10415 Church Rd.

BARRINGTON HILLS, IL. 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Steven Schroeder, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed:  Date: 8-15-16

Print Name: Steven Schroeder

Address: 207 Spring Creek Rd.
Barrington Hills, IL 60016

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Lisa Schroeder, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Lisa Schroeder Date: 8-15-16
Print Name: Lisa Schroeder
Address: 207 Spring Creek Rd.
Barrington Hills, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, B. Ray Buckley, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____

Date: 8 15 16

Print Name: _____

B. Ray Buckley

Address: _____

100 Buckley Rd
B. H

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, J.R. Davis, am opposed to the proposed "Drury
Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by
the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom
to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning
Board of Appeals Public Hearing.

Signed: _____ Date: Aug-15-16

Print Name: J.R. Davis

Address: 81 meadow Hill RD
Barrington Hills, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Dawn Davis, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: Dawn Davis Date: August 15, 2016

Print Name: DAWN DAVIS

Address: 81 MEADOW HILL RD.
BARRINGTON HILLS ILL 60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Melissa Davis, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: MZ Davis Date: 8/15/2016

Print Name: Melissa L. Davis

Address: 81 Meadow Hill Rd
Barrington Hills, IL 60010

**Barrington Hills Resident/Landowner Statement Concerning the
Proposed "Drury Amendment"**

I, Richard Davis, am opposed to the proposed "Drury
Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by
the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom
to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning
Board of Appeals Public Hearing.

Signed:  Date: 03/15/2016

Print Name: Richard Davis

Address: 81 Meadow Hill Rd

Barrington Hills IL 60016

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Jeffrey Mantelman, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed:  Date: 08-15-16

Print Name: Jeffrey Mantelman

Address: 63 Ridge Rd. Barrington Hills, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Catherine Clare Mantelman, am opposed to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 15, 2016 Village of Barrington Hills Zoning Board of Appeals Public Hearing.

Signed: _____

 Date: 08-15-16

Print Name: Catherine Clare Mantelman

Address: 63 Ridge Rd. Barrington Hills, IL 60010

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**VILLAGE OF BARRINGTON HILLS
ZONING BOARD OF APPEALS**

IN RE TEXT AMENDMENT TO TITLE 5 OF THE)
ZONING ORDINANCE RELATIVE TO HORSE)
BOARDING FILED BY JAMES J. DRURY, III.)
SPECIFICALLY, APPLICANT SEEKS AN)
AMENDMENT TO SECTIONS 5-2-1 ZONING)
DEFINITIONS-AGRICULTURE; SECTIONS 5-3-4(A))
REGULATIONS FOR SPECIFIC USES; 5-3-4(D)2(b))
HOME OCCUPATION DEFINITION; 5-3-4(D)3(c)(2))
AND (8) HOME OCCUPATIONS USE LIMITATIONS;))
5-3-4(D)3(g) HOME OCCUPATION-BOARDING AND)
TRAINING OF HORSES; 5-5-2(A) PERMITTED USES))
R-1 ACCESSORY USES; 5-5-3 SPECIAL USES AND)
5-10-7 SPECIAL USES)

**MOTION TO PERMANENTLY SUSPEND CROSS EXAMINATION AND
TREAT THE PUBLIC HEARING AS LEGISLATIVE FACT FINDING**

NOW COMES James Drury, III by its attorneys, The Law Office of Thomas R. Burney and petitions the Chairman and the Zoning Board to permanently suspend further cross examination by the public of any persons who speak for or against the issues raised in this matter and to conduct the remainder of the hearing on this petition as legislative fact finding. In support of its Motion, Petitioner states and alleges as follows:

1. Petitioner has filed before this Zoning Board a request that the text of several ordinances of the Village (identified in the caption) be amended to *inter alia*: i. restore the home occupation provisions pertaining to commercial horse boarding (boarding of others horses for a fee); ii. reverse and eliminate the Andersen II Amendment which *inter alia* established the right to conduct commercial horse boarding on residentially zoned ground


- in the Village as a matter of right and applied those amendments to the Village Code retroactively to June 26, 2006; and iii. proposed a special use procedure to accommodate large scale commercial horse boarding operations that did not qualify as a home occupation.
2. The initial public hearing on this matter was held on August 15, 2016 (after being continued from July 18 because the meeting room was too small to accommodate those in attendance.).
 3. On August 1, the attorney for the Petitioner presented the evidence and facts in support of the text amendment. His transcribed oral testimony consisted of 11 pages. The objectors to the text amendment were afforded 5 times more opportunity to conduct their questioning than the Petitioner took on its case. Twelve (12) different residents were afforded the opportunity to question Petitioner's witness (Pappas (2x), LeCompte (2x), Loeber, Kedzierski, Vitzerova, Van Fossen, Alter, Vines, Boshell, Bogue, Abboud, Kelly)
 4. Requiring Petitioner's witness or any witnesses in favor of or against the text amendment to undergo cross examination at a public hearing on a proposed text amendment is error.
 5. Reliance on *People ex rel. Klaeren v. Vill. of Lisle*, 202 Ill. 2d 164 (2002) is not warranted. *Klaeren* dealt with a special use application which the Supreme Court had clearly indicated in an earlier seminal decision was a quasi-judicial proceeding:

We recently raised the question of whether to classify special use permit hearings as legislative matters or administrative matters in the context of whether a municipality's decision is subject to administrative review in *City of Chicago Heights v. Living Word Outreach Full Gospel Church & Ministries, Inc.*, 196 Ill. 2d 1, 255 Ill. Dec. 434, 749 N.E.2d 916 (2001). In

WHEREFORE, Plaintiffs pray that:

- A. The Chairman either on his own or with the affirmation of a majority of the Zoning Board permanently suspend all further cross examination of any person who offers testimony, evidence or opinion whether for or against the proposed text amendment from being subject to cross-examination or other forms of questioning by other members of the public or attorneys for proponents or opponents of the proposed text amendment.
- B. Such other and further relief as the Chairman and the Zoning Board deem appropriate.

Respectfully submitted,
JAMES J. DRURY III,


By: _____
One of his attorneys

Thomas R. Burney (ARDC No. 0348694)
The Law Office of Thomas R. Burney, LLC
Firm No. 58886
40 Brink Street
Crystal Lake, Illinois 60014
(815) 459-8800
Fax: (815) 459-8429

Living Word, we recognized that "the clear weight of authority in the United States holds that a legislative body acts administratively when it rules on applications for special use permits." Living Word, 196 Ill. 2d at 14. We further noted: "[T]here is considerable force to the view that the decision of a legislative body to grant or deny an application for a special use permit, whether made by a county or municipality, should be viewed as an administrative act. The decisions from this court which have held to the contrary have been criticized. [Citation.] Further, our appellate court has suggested that, in light of amendments made to the Illinois Municipal Code governing special uses, the General Assembly [***27] has indicated a desire to treat the application process for a special use permit as an administrative [*183] function, at least with respect to municipalities. [Citations.]" Living Word, 196 Ill. 2d at 15-16.

People ex rel. Klaeren v. Village of Lisle, 202 Ill. 2d 164, 181-183 (Ill. 2002)

The Supreme Court determined that cross examination is constitutionally required in special use proceedings,

Having been freshly and squarely presented with the question by the cause at hand, we now answer it by holding that municipal bodies act in administrative or quasi-judicial capacities when those bodies conduct zoning hearings concerning a special use petition. As we stated in Living Word, the "clear weight of authority" so holds. Living Word, 196 Ill. 2d at 14. To the extent any prior decisions of this court hold the contrary to be true, we now expressly overrule [***28] those decisions.

The Supreme Court clearly distinguished special use proceedings from other forms of zoning relief,

On the other hand, when governmental action does not partake of an adjudication, as for example, when a general fact-finding investigation is being conducted, it is not necessary that the full panoply of judicial procedures be used. Therefore, as a generalization, it can be said that due



Anna Paul <apaul@barringtonhills-il.gov>

Drury amendment

happysue@comcast.net <happysue@comcast.net>

Mon, Aug 15, 2016 at 6:30 PM

To: apaul@barringtonhills-il.gov

As a resident of Barrington Hills for nearly twenty years I have enjoyed immensely the friendships I have developed over the years through the equestrian community.

The ridiculousness of the current proposal confounds, astounds and appalls me.

I have kept my own horses and boarded and trained others horses in Barrington Hills for years. My daughter was in Pony Club and we've enjoyed the trails and forest preserves and riding center.

I find it odd that in such an equestrian focused community potential buyers for my mother's property currently on the market are intimidated and frightened away from buying because, and I quote," what if I build my dream and the village takes it away?"

She called the village offices and when finally able to speak with someone the answers she got to her questions were ambiguous at best.

As the current bylaws and building codes stand she could have her little dream and I could have a wonderful neighbor with horses, in a horse centric village, but I guess I might not live in that community anymore, even though my address remains the same.

I vote NO and the amendment,

Susan Jansson

612 Plum Tree Road

Barrington Hills

Sent from my iPhone



Anna Paul <apaul@barringtonhills-il.gov>

Opposition to Drury Amendment

Sidney Overbey <soverbe@gmail.com>

Wed, Aug 24, 2016 at 8:12 PM

To: apaul@barringtonhills-il.gov

Cc: mmclaughlin@barringtonhills-il.gov, ckonicek@barringtonhills-il.gov, fgohl@barringtonhills-il.gov, Michael Harrington <mharrington@barringtonhills-il.gov>, bcroll@barringtonhills-il.gov, mmaison@barringtonhills-il.gov, bcecola@barringtonhills-il.gov

Dear Ms. Paul,

Attached is my signed opposition to the current effort of the ZBA to once again modify the definition of horse boarding in Barrington Hills. I also would like to add that since the last time the ZBA updated the definition of Horse Boarding that the not much changed. The constant changes by the ZBA seem to be driven more by ego than anything else. I would hope the BOT puts a stop to this and finds a better way to utilize peoples time.

Regards,
Sid Overbey



Drury Petition Opposition.pdf

68K

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Sidney & Barbara Overbey, am opposed
to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted
by the Board of Trustees in 2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does not need revision or review
at this time.

To be entered into the public record of the August 30, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

Sidney Overbey 08-24-2016
SIGNED DATE

Sidney Overbey
PRINTED NAME

85 Brinker Rd.
ADDRESS
Barrington Hills, IL 60010

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

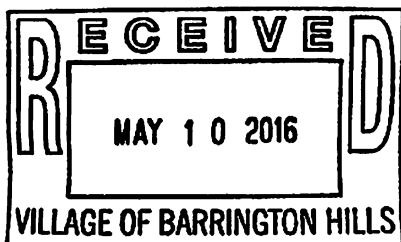
May 10, 2016

To: Ken Garrett, 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 petitions 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 May 26, 2016 and hearing on such amendment be held on June 20, 2016 or as soon thereafter as can be accommodated by the ZBA.

The proposed Text Amendments amend Zoning Code Sections:

1. 5-2-1 (Zoning Definitions - Agriculture)
2. 5-3-4 (A) (Regulations for Specific Uses)
3. 5-3-4 (D) 2 (b) (Home Occupation Definition)
4. 5-3-4 (D) 3 (c) (2) (Home Occupation Use Limitations)
5. 5-3-4 (D) 3 (c) (8) (Home Occupation Use Limitations)
6. 5-3-4 (D) 3 (g) (Home Occupation - Boarding and Training of Horses)
7. 5-5-2-(A) (Permitted Uses R-1 Accessory Uses)
8. 5-5-3 (Special Uses)
9. 5-10-7 (Special Uses)



Zoning Code Sections 5-3-4 (A) (Regulations for Specific Uses)

5-3-4: REGULATIONS FOR SPECIFIC USES:

(A) Agriculture.

1) Other than those regulations specifically provided for in section 5-3-4(A)2(a) below, the provisions of this title shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes may be required to conform to building or setback lines. In the event that the land ceases to be used solely for agricultural purposes, then, and only then, shall the provisions of the this zoning title shall apply.

2) Boarding and Training of Horses and Rider Instruction:

a) Regulations: The following provisions listed in this subsection 5-3-4(A)2(a) shall apply to the boarding and training of horses and rider instruction:

i.) The hours of operation of Boarding and Training Facilities shall be (a) employees (not residing on the property): from six o'clock (6:00) AM to nine o'clock (9:00) PM or 30 minutes past dusk, whichever is later; (b) boarders and riders receiving instruction: from seven o'clock (7:00) A.M. to eight thirty o'clock (8:30) P.M. or dusk, whichever is later; (c) use of machinery, seven o'clock (7:00) AM to nine o'clock (9:00) PM. These hourly restrictions shall not apply in the event of emergencies.

ii.) No property shall be allowed to conduct the activities subject to the regulations under this Section 5-3-4(A)2 that is not located on the same zoning lot or lots under the same ownership and/or control as the residence of the owner or operator of the related facility.

iii.) All barns shall have an animal waste management protocol consistent with published acceptable standards and in full compliance with 7-2-5 of the Village's Municipal Code.

iv.) Lighting for barns, stables and arenas shall only be directed onto the property for which such uses occur such that there is no direct illumination of any adjacent property from such lighting. In all respects, lighting for any activities or structures used in agriculture shall comply with all other provisions of the Village Code.

v.) Nuisance-causing activities: It is unlawful for any person operating a Boarding and Training Facility to allow or permit any animal to cause serious or habitual disturbance or annoyance by frequent or habitual noisy conduct, which shall annoy, injure or endanger safety, health, comfort or repose of others. Noisy conduct is defined as noise which can be heard continuously within an enclosed structure off the property of the Boarding

and Training Facility for more than fifteen (15) minutes and which annoys, injures or endangers the safety, health, comfort or repose of others. In addition to the foregoing specific limitations, no Boarding or Training Facility shall cause or create any act, which endangers public health or results in annoyance or discomfort to the public, said act being defined as a nuisance under Title 7, Chapter 1 of this Code.

vi) There shall be a limit on the number of horses that a Boarding and Training Facility is allowed to board such that there shall not be in excess of two boarded horses per zoning lot acre;

vii) Properties subject to the provisions of this Section 5-3-4(A)(2) shall ensure that traffic associated with the agricultural operations is reasonably minimized, particularly at properties where access is from private roads, and including at times any events such as charity outings or clinics;

viii) Properties subject to the provisions of this Section 5-3-4(A)(2) shall provide indoor toilets for use by employees, boarders and riders and shall not rely on outdoor portable toilets for ordinary operations;

ix) Properties subject to the provisions of this Section 5-3-4(A)(2) shall comply with the maximum floor area ratio requirements applicable to single family detached dwellings as specified in Section 5-5-10-1 herein.

Zoning Code Section 5-2-1 (Zoning Definitions - Agriculture)

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture; and animal and poultry husbandry; and (including the breeding, boarding, and training of horses and riders as a hobby or as an occupation; but not the boarding of horses) and the necessary accessory uses needed 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, following: the handling or storing of produce, conducting animal husbandry, and for the breeding, boarding, and training of horses and rider instruction. It is recognized specifically that buildings, stables or structures associated with the breeding, boarding, and training activities (boarding and training facilities) may exceed the size of building associated with residential or other uses of the land, without affecting a determination that the use of such land is deemed agricultural. This definition of agriculture shall not be construed as encompassing or extending to daily or hourly rental of horses. Such amended definition is retroactive and in full force and effect as of June 26, 2006.

Zoning Code Section 5-3-4 (D) 2 (b) (Home Occupation Definition)

b. Is incidental and secondary to the principal use of such dwelling unit for residential occupancy purposes, except that it is recognized that any barn, stable, or arena, may exceed the size of the dwelling unit; and

Zoning Code Section 5-3-4 (D) 3 (c) (2) (Home Occupation Use Limitations)

(2) The floor area ratio (FAR) of the area of the building used for any such home occupation shall not exceed 0.01 (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation), ~~with the exception of any barn, stable, or arena.~~

Zoning Code Section 5-3-4 (D) 3 (c) (8) (Home Occupation Use Limitations)

~~(8) There shall be a limit on the number of horses that are subject to the home occupation activity such that there shall not be in excess of one boarded horse per zoning lot acre.~~

Zoning Code Section 5-3-4 (D) 3 (g) (Home Occupation - Boarding and Training of Horses).

~~g. Boarding And Training Of Horses And Riders: The boarding and training of horses and rider instruction shall be a permitted home occupation. For properties of less than ten (10) acres these activities are regulated under this subsection (D), and in addition must comply with the restrictions under subsections (A)2a(1), (A)2a(3), and (A)2a(8) of this section. For properties of ten (10) acres or larger, these activities are regulated solely under subsection (A)2 of this section. (Ord. 14-19, 12-15-2014)~~

Notwithstanding anything to the contrary contained in this subsection (D), the boarding of 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 boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) 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 o'clock (8:00) A.M. and eight o'clock (8:00) P.M. or sunset, whichever is later. (Ord. 06-12, 6-26-2006

Zoning Code Section 5-5-2(A) (Permitted Uses R-1 Accessory Uses)

~~Breeding, boarding, and training of horses, and rider instruction, as regulated under Section 5-34(A)(2) or Section 5-3-4(D) as applicable.~~

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

5-2-1 Definitions:

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

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

A new subsection (1). 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 (1) 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

(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 simple majority 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.

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 R-1 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 meets 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.

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.

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.

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

EFFECTIVE DATE: Such amended definitions and additions contained herein are retroactive and in full force and effect as of June 26, 2006.

Proposed Commercial Boarding Text Amendment


James J. Drury III, Landowner

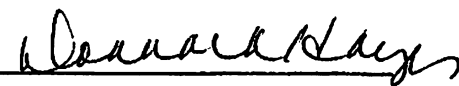
May 10, 2016

STATE OF ILLINOIS)

) ss

COUNTY OF COOK)

Subscribed and sworn to before me this 10th day of May, 2016.



Notary Public



J.R. DAVIS

81 Meadow Hill Road
Barrington Hills, IL 60010

August 22, 2016

Dear Neighbor and Friend:

I hope this letter finds you and your family in good health and enjoying everything summer in Barrington Hills has to offer. It is with great urgency and importance that I am writing to you, and requesting that you review the proposed zoning amendment submitted by Mr. Drury and consider joining me in submitting to the Village your opposition to this amendment.

On July 18, 2016, the Village ZBA hosted a meeting to discuss, among other topics, a proposal to amend the Village Code known informally as the "Drury Amendment." This proposed amendment profoundly undermines the right to board horses in Barrington Hills, and threatens to change the equestrian nature of our community. Because of the significant community attendance at the last three ZBA meetings during which this amendment was considered, the ZBA has continued its hearing and vote on the Drury Amendment once more to August 30.

Once the ZBA votes on this proposed amendment, it will move to the Board of Trustees for consideration. To demonstrate our opposition to the proposed Drury Amendment to the ZBA and Board of Trustees, I hope that you will join me in sending a signed opposition to the Village Clerk. Section 5-10-6(G) of the Village Code provides that if there is a "written protest against any proposed amendment signed and acknowledged by the owners of twenty percent (20%) of the property proposed to be altered," enacting the amendment will require a two-thirds vote by the Board of Trustees, rather than a majority vote. It is my hope that we can garner enough opposition to trigger this two-thirds voting requirement, which is entirely appropriate for such a fundamental (and I think misguided) change in the character of Barrington Hills.

Please review the Drury Amendment, attached, and consider the impact it will have on our equestrian community. If you are opposed to this amendment, please complete and send the attached opposition to the Village Clerk prior to the next ZBA meeting, which is currently scheduled for Tuesday, August 30 at 6:30 p.m. at Countryside Elementary School.

You may send additional comments regarding the Drury Amendment to the Village Clerk at 112 Algonquin Road, Barrington Hills, Illinois, 60010-5199, Attn: Anna Paul, or clerk@barringtonhills-il.gov.

Thank you for your time and attention to this important matter.

Sincerely,



J.R. Davis
Chairman, Barrington Hills Farm

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, _____, am opposed
to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted
by the Board of Trustees in 2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does not need revision or review
at this time.

To be entered into the public record of the August 30, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

SIGNED DATE

PRINTED NAME

ADDRESS

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Elsa Olson, am opposed
to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted
by the Board of Trustees in 2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does not need revision or review
at this time.

To be entered into the public record of the August 30, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

 8/24/2016
SIGNED DATE

Elsa Olson
PRINTED NAME

13 Woodcreek Rd, Barrington Hills IL 60010
ADDRESS

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Holly Jauch, am opposed
to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted
by the Board of Trustees in 2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does not need revision or review
at this time.

To be entered into the public record of the August 30, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

Holly Jauch 8/21/2016
SIGNED DATE
Holly Jauch
PRINTED NAME
7 Cross Timber Rd
ADDRESS
Barrington Hills, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, CRAIG F. HANSON, ^{strongly} am [^]opposed
to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and so does not need revision or review at this time.

To be entered into the public record of the August 30, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

Craig F. Hanson 8/24/2016
SIGNED DATE
CRAIG F. HANSON
PRINTED NAME
363 G Bateman Circle South
ADDRESS
BARRINGTON HILLS, ILL. 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, CLINT Marlow, am opposed
to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted
by the Board of Trustees in 2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does not need revision or review
at this time.

To be entered into the public record of the August 30, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

SIGNED

DATE

PRINTED NAME

ADDRESS

CLINT Marlow
10553 BARNUM RD
Barrington Hills IL 60010



Village Clerk <clerk@barringtonhills-il.gov>

Drury Amendment

betsy kosowski <betsyjunebug1@att.net>
Reply-To: betsy kosowski <betsyjunebug1@att.net>
To: "clerk@barringtonhills-il.gov" <clerk@barringtonhills-il.gov>

Wed, Aug 24, 2016 at 1:17 PM

Attached is a signed statement that I am opposed to the Drury Amendment. I own a Tennessee Walker in Barrington Hills. I moved to Barrington from Des Plaines in 1997. When I saw beautiful fields with horses, my husband talked me into buying my own horse I bought Junebug in 1999 he is still with me.

Please vote against the Drury Amendment.

Respectfully,
Betsy Kosowski

 **Drury Amendment.pdf**
397K

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Betsy Kosowski, am opposed
to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted
by the Board of Trustees in 2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does not need revision or review
at this time.

To be entered into the public record of the August 30, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

Betsy Kosowski 8-24-16
SIGNED DATE

Betsy Kosowski
PRINTED NAME

619 Cumnor Avenue, Barrington IL
ADDRESS

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Steven E. Allen, am opposed
to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted
by the Board of Trustees in 2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does not need revision or review
at this time.

To be entered into the public record of the August 30, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

Steven E. Allen
SIGNED

8/24/16
DATE

Steven E. Allen
PRINTED NAME

67 Ridge Road
ADDRESS

Barrington Hills, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Kim Keper, am opposed
to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted
by the Board of Trustees in 2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does not need revision or review
at this time.

To be entered into the public record of the August 30, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

Kim Keper
SIGNED

8-24-16
DATE

Kim Keper
PRINTED NAME

67 Ridge Rd
ADDRESS

Barrington Hills IL 60010



Anna Paul <apaul@barringtonhills-il.gov>

Zoning Board of Appeals--Drury Amendment--Additional Public Comments

Zager, Pearl A. <pzager@vedderprice.com>

Fri, Aug 19, 2016 at 1:27 PM

To: "Anna Paul (apaul@barringtonhills-il.gov)" <apaul@barringtonhills-il.gov>

Cc: "Winterhalter, Brooke Anderson" <Brooke.Winterhalter@skadden.com>, "Davis, JR" <Jdavis@davisbancorp.com>

Ms. Paul,

We represent Barrington Hills Farm. We submit the attached additional public comments of our client regarding the proposed zoning text amendment for the consideration of the Zoning Board of Appeals in advance of the Village Zoning Board of Appeals meeting scheduled for August 30, 2016 at 6:30 pm.

Thank you for your courtesy.

Pearl A. Zager, Shareholder

VedderPriceSM

T +1 312 609 7548 | M +1 708 302 1821

Assistant: Karen Komichuk +1 312 609 7528

222 North LaSalle Street, Suite 2600

Chicago, Illinois 60601

[web](#) | [email](#) | [offices](#) | [biography](#)

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Vedder Price P.C. is affiliated with Vedder Price LLP, which operates in England and Wales and with Vedder Price (CA), LLP which operates in California.



Additional Public Comments V2.DOC

42K

PUBLIC COMMENTS FOR THE BARRINGTON HILLS ZONING BOARD
OF APPEALS MEETING SCHEDULED FOR JULY 18, 2016, AND
CONTINUED TO AUGUST 1, 2016, AUGUST 15, 2016, AND AUGUST 30,
2016

My name is Pearl Zager. I am an attorney with the firm of Vedder Price, and I represent Barrington Hills Farm. The following supplemental comments are submitted on behalf of Barrington Hills Farm in response to some of the issues raised during the meeting on August 15, 2016.

There were a number of questions from the Board regarding the adequacy of the existing Zoning Code provisions governing horse boarding known as Ordinance 14-19 or “Anderson II.” The impetus for Ordinance 14-19 was the finding of the Appellate Court of Illinois, First District, Third Division, in its opinion dated September 21, 2011, in LeCompte, et al. vs. the Zoning Board of Appeals of the Village of Barrington Hills, et al., Case No. 1-10-0423 stating, “*We find that the commercial boarding of horses does not comport with the overall intent of the Zoning Code.*”

At that time, the practice and understanding of many Village residents was that “commercial” boarding, meaning the boarding of horses for pay, was permitted. As such, it is not surprising that action was taken to modify then then existing Zoning Code to clarify what the community believed was true and to prevent existing residents from being in violation, albeit unintentionally, of the Zoning Code. Even though Mr. Burney has stated that he does not believe the Appellate Court’s finding was intended to be applied broadly, it can be read that way. Reasonable legal minds can and often do differ on the interpretation of the common law. Modifying the code based on a broad interpretation was a conservative measure.

Ordinance 14-19 may not be perfect, but it appears to be working. The Zoning Board of Appeals has heard several hours of testimony on the lack of complaints regarding the current Zoning Code and the issues derived from the proposed amendment--to which we will add one more discrepancy. Under the Drury Amendment, in Section 5-2-1, “Boarded Horses” are defined as horses that are not owned by the landowners or occupants of the property on which they are boarded. There is no compensation element in the definition of Boarded Horses. “Horse Boarding” is defined as supplying food and lodging to boarded horses for pay. The definition of “Commercial Boarding” uses the term “boarded horses.” This is inconsistent with the testimony, questions, and comments that assume or imply that the “commercial boarding” that needs to be subject to additional regulation is a profit-making enterprise. The Drury Amendment as written would impose the burdens of applying and paying for a Special Use Permit on any landowner that does not charge for its boarding services. It is not clear whether this was an intentional distinction aimed at a specific landowner or simply inconsistent drafting.

If there is further modification that members of the community believe is necessary to address concerns about future development and property use, then another stop-gap amendment prepared without research into underlying issues that affect the public interest is not the answer. Barrington Hills Farm is a supporter of sustainable agriculture, sustainable horse farm management, and open lands, consistent with the Village’s Comprehensive Plan. If a new ordinance is deemed to be necessary, Barrington Hills Farm strongly urges the Zoning Board to

take the time to prepare a forward-looking ordinance using the community resources, like the Equestrian Committee and Board of Health, and other national resources and expertise that focus on melding residential and horse farm uses, rather than over-burdening landowners who board horses.



Anna Paul <apaul@barringtonhills-il.gov>

zoning

Marilyn Heaton <boskyacres@earthlink.net>
To: apaul@barringtonhills-il.gov

Sat, Aug 20, 2016 at 3:30 PM

Please do not tamper with our zoning. Horses have kept beautiful Barrington Hill from being one lawn after another and all looking same. Marilyn Heaton, 7 West County Line Rd., Barrington Hills



Anna Paul <apaul@barringtonhills-il.gov>

A proposal to amend the Village Code known informally as the Drury Amendment is being considered by the village.

Donald Dugger <jaguardcd@gmail.com>

Wed, Aug 24, 2016 at 3:28 PM

To: apaul@barringtonhills-il.gov

Please be advised that we are against this amendment and plead the zoning board votes against it.

Thank you

Don & Carol Dugger
321 Old Sutton Road
Barrington Hills



Anna Paul <apaul@barringtonhills-il.gov>

A proposal to amend the Village Code known informally as the Drury Amendment g

dcdugger@comcast.net <dcdugger@comcast.net>

Wed, Aug 24, 2016 at 3:33 PM

To: apaul@barringtonhills-il.gov

Please be advised we are against this proposed amendment and strongly urge the zoning board to vote against it.



Thank you
Don & Carol Dugger
321 Old Sutton Road

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, MARILYN & Bob Heaton ^{ARE}, am opposed
to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted
by the Board of Trustees in 2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does not need revision or review
at this time.

To be entered into the public record of the August 30, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

  ^{Aug 25}
SIGNED _____ DATE _____
MARILYN B + Heaton C.R. Heaton
PRINTED NAME _____
2 W County Line Rd.
ADDRESS _____
Barrington Hill, IL 60010

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, GEORGE A. MOSER, am opposed
to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted
by the Board of Trustees in 2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does not need revision or review
at this time.

To be entered into the public record of the August 30, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

George A. Moser

SIGNED

DATE

MOSER GEORGE A.

PRINTED NAME

82 Hawley Woods Rd

ADDRESS

Barrington Hills

Barrington Hills Resident/Landowner Statement Concerning the Proposed "Drury Amendment"

I, Diana Moser, am opposed
to the proposed "Drury Amendment" regarding horse boarding in Barrington Hills.

Furthermore, I believe the current language as proposed by the ZBA in 2014 and adopted
by the Board of Trustees in 2015 provides the right balance of neighbor protection and
freedom to operate best practice horse boarding, and so does not need revision or review
at this time.

To be entered into the public record of the August 30, 2016 Village of Barrington Hills
Zoning Board of Appeals Public Hearing.

Diana Moser
SIGNED

8-24-16
DATE

Diana Moser
PRINTED NAME

82 Hawley woods Rd
ADDRESS

Barrington Hills 60010