

From: Robert Kosin [rkosin@barringtonhills-il.gov]  
Sent: Tuesday, August 17, 2010 8:22 AM  
To: Dolores Trandel  
Cc: Sarah Kenney  
Subject: VBH BOT FYI Zoning

Barrington Hills debates horse boarding  
By Carolyn Rusin, Chicago Tribune Local reporter 8/16/10

Querido is being led by Gale Baldwin of Barrington back into the stable Saturday after a hot morning in the sun. She has boarded her Lusitano, a Portuguese bull-fighting horse at Oakwood Farms, a 130-acre farm in Barrington Hills for the last four years.

Horses give Barrington Hills its identity -- a polo field is prominently featured on the village's web site -- but officials may have stepped in it by trying to regulate boarding of the animals.

The farm with the polo field was ordered to stop boarding dozens of horses because of complaints that it had grown into a business, which is not allowed in the village. But officials have declined to enforce the order, even after a court declared it valid, because they said they needed time to decide how such operations fit into the character of the village.

The issue will be back before the Zoning Board of Appeals next month. Meanwhile, the aim of the village to better regulate boarding appears to clash with critics who want to discourage more of it.

"We're trying to draft reasonable language that would accommodate those larger operators," said Jonathan Knight, ZBA chairman. "For those that are making the statement that more will come or horse manure will pile over, maybe increase noise or lighting, is hogwash."

The dispute feels personal to Barry and Cathy LeCompte, owners of the 130-acre Oakwood Farms of Barrington L.L.C. at 350 Bateman Road, home to the polo field and where about 38 horses are boarded. They say horses have been boarded there since the 1930s and they just continued the work when they purchased the property in 1995.

A neighbor, Mike McLaughlin is against the village expanding the ordinance or adopting a new law to encompass the existing larger horse-boarding operations.

"The current law is a good law. If you want to board horses, you can if you can do it in a neighbor-friendly way. If you do it in a way that violates your neighbor's rights, you have a problem," McLaughlin said.

“We would now be establishing business rights on residential property,” he said. “It’s common knowledge that there are no businesses allowed in Barrington Hills.

“We’re saying that it’s OK to have larger horse boarders as long as it fits with the nature of the community, but commercial horse boarding started to get bigger and bigger. It can’t be a visible business with a parking lot and 40 or 50 cars,” McLaughlin said.

But Village President Robert Abboud, while declining to say much about the issue, outlined a goal.

“We want to make sure the activity on one property is not affecting the characteristic of another property,” said Abboud, adding there have not been wide-spread complaints about horse boarding. “We don’t want to disrupt what [boarders] are doing. We want to fix the code so it encompasses them.”

Meanwhile, the village allows Oakwood to operate even though it was ordered to shut down in 2008. The idea was to see if a 2005 ordinance that allowed small-scale boarding operations on residential property could be amended to provide for farms like Oakwood.

Three years after the ordinance was passed, some neighbors began complaining about Oakwood, saying it does not fit in with the law or the character of the village. That led to the cease and desist order, which surprised Barry LeCompte, who said he was unaware of any problems concerning his operation.

He said he was told by village officials that neighbors had complained about unsightly horse trailers, hay wagons, the barn, and increased traffic. The order was issued, he said he was told, because his farm was in violation of the 2005 ordinance that does not allow a commercial business.

“I was always operating under an agricultural provision. I never even pretended to be a home occupation business,” said LeCompte, whose farm offers both pasture and stable boarding, along with breeding and training of horses and other services.

The ordinance does not allow employees on a property before 8 a.m. or after sunset and prohibits a second entrance, among other restrictions, meaning his business never was covered by it, LeCompte said.

He appealed to the ZBA to rescind the order shutting him down, arguing that his farm falls under a county agricultural provision allowing the boarding and training of horses. The ZBA upheld the order but recommended that the village board not enforce it until consideration was given to a new ordinance for commercial boarding.

LeCompte kept fighting anyway, taking the village to court. In January a Cook County Circuit Court judge ruled against him and affirmed the village’s order.

Last month, he filed an appeal with the Illinois Appellate Court.

Abboud said Oakwood was in violation of building codes, issues of health, safety, traffic and lighting “to a very substantial extent.”

He then deferred questions to Village Administrator Robert Kosin, who did not return repeated requests for comment.

The battle has critics up in arms about the money spent for the village to defend itself in court while not enforcing the closure of Oakwood. They also question whether new attempts to better regulate larger boarding operations are wise considering the village has no experience regulating businesses, nor police or fire services to handle any problems.

“It legalizes them,” McLaughlin said. “It’s opening the flood gates.”

The ZBA has held several meetings and public hearings on a draft report by the Equestrian Commission that could turn into a new ordinance for larger boarding facilities. It would regulate them to avoid excessive noise, light and traffic, and other nuisances, along with setting fire safety and barn size restrictions.

“It’s been very costly. It’s cost me tens of thousands of dollars in legal fees,” Barry LeCompte said. “They haven’t gone to one other agricultural farm similar to mine and clearly, if they try to shut me down, they will have an equal protection case on their hands. You can’t just apply it to me. You have to apply it to everybody.”

McLaughlin says Oakwood has grown too large. Village ordinance allows an unlimited number of horses as a home occupation as long as the operation does not appear to be a business, change the characteristics of a residential area, present a fire hazard or infringe on a neighbor's tranquility.