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December 17, 2010

Via Email, Telecopy and U.S. Mail

Douglas E. Wambach, Esq.
Burke, Warren, MacKay & Serritella, P.C.
330 North Wabash Avenue
22nd Floor
Chicago, Illinois 60611-3607

Re: Enforcement of Cease and Desist Order at 350 Bateman Road

Dear Doug:

Winston & Strawn LLP has been retained to represent James Drury in connection with his opposition to the commercial horse boarding facility being operated at 350 Bateman Road in violation of the Barrington Hills Village Zoning Code.

On January 10, 2008, on behalf of the Village of Barrington Hills, you sent a letter to Dr. and Mrs. Barry LeCompte informing them that their commercial horse boarding facility violated Section 5-5-2 of the Village Zoning Code and requested that they immediately cease and desist operation.

Rather than comply with the cease and desist letter, the LeComptes filed an appeal before the Zoning Board of Appeals, which subsequently voted on August 28, 2008, to affirm the cease and desist letter. Thereafter, the LeComptes filed a complaint in the Circuit Court of Cook County. On January 15, 2010, Judge Nancy J. Arnold issued an Order upholding the Village's cease and desist letter. The LeComptes have sought review by the Appellate Court of Illinois, First Judicial District. Your firm filed an opposition brief on behalf of the Village in that matter which argued that the LeCompte's "Commercial Horse Boarding Operation Does Not Comport With The Village Zoning Code." Brief of Defendants-Appellees at 21-23, *LeCompte v. Zoning Board of Appeals for the Village of Barrington Hills*, No. 10-0423 (Ill. App. Ct. Sep. 17, 2010). This brief succinctly summarizes the point very well as follows:

Douglas E. Wambach, Esq.
December 17, 2010
Page Two

“Such a use is not permitted in the Village’s R-1 zoning districts.... Unlike a home occupation, Plaintiffs’ [LeComptes] horse boarding operation generates intense use, traffic and noise ill-suited to an R-1 Zoning District, regardless of fee arrangements.” (emphasis added)

It is important to remember the above process started when Mr. Drury filed a formal complaint with the Village to protect his rights under Village law so he and his neighbors would not be subjected to the noise, traffic and other irritants attendant with the illegal LeCompte boarding business. That lawful protection has long been denied to Mr. Drury and the neighbors, and as a result he and his neighbors have suffered irreparable harm for several years now.

Therefore, our client respectfully requests that the Village take all necessary actions to immediately enforce the cease and desist Order by no later than December 31, 2010 (almost three years after its issuance) and take all steps necessary to recover all fines assessed against the LeComptes since January 10, 2008. Based on a fine of up to \$500.00 per day as indicated in the cease and desist letter, this amounts to a fine of \$536,500.00 as of the date of this letter, and will be \$543,500.00 as of December 31, 2010. The Village is entitled to this revenue and obviously could use this money for various Village needs – especially given these economic times. The Village has an obligation to act in the best interests of all of its residents and not to allow a single resident to violate the law to the detriment of other residents.

I look forward to discussing this matter with you personally at your earliest convenience.

Very truly yours,


Stephen C. Schulte

SCS/ps

bcc: Board of Trustees
Village President



December 17, 2010

VIA E-MAIL AND U.S. MAIL

Douglas E. Wambach, Esquire
Burke, Warren, McKay & Serritella, P.C.
330 North Wabash Avenue, 22nd Floor
Chicago, Illinois 60611-3607

RE: Riding Club of Barrington Hills Special Use Request for Polo Field

Dear Mr. Wambach:

I represent the interests of James Drury and Michael McLaughlin in connection with the special use application filed by the Barrington Hills Polo Club ("BHPC") for a polo field at Oakwood Farms. This matter is scheduled to be heard on December 20, 2010 before the Barrington Hills Zoning Board of Appeals.

My clients respectfully request that, as the Village Attorney, you direct the four Members of the Zoning Board of Appeals who are Riding Club of Barrington Hills ("RCBH") members - Kurt Anderson, Judith Freeman, Karen Rosene and Dara Valin - to recuse themselves from any participation in connection with this special use application. The RCBH is a private club that derives substantial financial support from polo events that take place at Oakwood Farms. You may recall Mr. Rosene, the Polo Club President, testified his club shares evenly with the RCBH monies gained from the Kalaway Cup. As a result, these four members cannot be one hundred percent objective in connection with this application, and there will exist the appearance of impropriety should they participate in the matter.

Similarly, these same Members have the same conflict in the matter of the Village's treatment of commercial boarding operations - also currently before the Zoning Board of Appeals. Recently Mr. McKeivitt, the RCBH's President, testified before the Zoning Board of Appeals that the club only admits non-residents if they board their horse in Barrington Hills. A review of the RCBH Directory shows nearly one-third of their members to be non-residents; thus, that portion of their membership revenue will be affected by the Zoning Board's commercial boarding decision. The continued participation of these four members of the Zoning Board of Appeals in the proceedings pertaining to the commercial boarding issue causes an appearance of impropriety. We therefore respectfully request that you direct them to recuse themselves.



Lastly, my clients seek a postponement of the Zoning Board of Appeal's consideration of the Barrington Hills Polo Club's request to amend their special use permit. The BHPC is seeking drastic changes, including the elimination or neutering of nine of the eleven conditions designed to protect their and the surrounding property owners' peaceful and quiet enjoyment of their property. There is no compelling reason why this request has to be acted upon a few days before the Christmas holiday, particularly as the proposed use of the specified polo field is at least five months away. We therefore request that you advise the Chairman that my clients' significant due process rights require him to continue this matter to a date after January 2011, to permit them meaningful time to discuss this with their neighbors (some of whom are not readily available due to the holidays) and prepare their case in opposition to the special use.

At your suggestion I have forwarded this letter to the Village Clerk for inclusion in the ZBA packet. Thank you.

Sincerely,
A handwritten signature in black ink, appearing to read 'Thomas R. Burney', written over the word 'Sincerely,'.

Thomas R. Burney

TRB:pfw

cc: James Drury
Michael McLaughlin
Karen S. Selma, Village Clerk

bcc: Board of Trustees
Village President