

ZONING BOARD OF APPEALS
BARRINGTON HILLS, ILLINOIS

PUBLIC MEETING)
)
DISCUSSION/VOTE TEXT)
AMENDMENT - LECOMPTE)
)
PUBLIC COMMENTS)

REPORT OF PROCEEDINGS at the
hearing of the above-entitled cause before JUDITH
FREEMAN, Zoning Board of Appeals Chairman, at 616 West
Main Street, Barrington Hills, Illinois, on the 11th
day of September, 2014, at the hour of 7:00 p.m.

ZONING BOARD OF APPEALS MEMBERS PRESENT:

MS. JUDITH FREEMAN, Chairman
MR. KURT ANDERSON
MS. KAREN ROSENE
MR. DAVID STIEPER
MR. CLARK BENKENDORF
MR. RICHARD CHAMBERS
MR. DAN WOLFGRAM

ALSO PRESENT:

MR. ROBERT KOSIN, Director
MS. MARY DICKSON, Village Attorney

Reported by: Cynthia L. Peesel, CSR
CSR License No. 084-002656

1 (Whereupon, the following proceedings
2 were held in open meeting.)

3 CHAIRMAN FREEMAN: We are going to start the
4 meeting this evening. Thank you. We are going to
5 call the public meeting to order. We are going to
6 move one piece of the agenda around just to
7 accommodate people who might not want to stay here for
8 the entire meeting just to make a public comment.

9 So, Mr. Kosin, do you want to call the roll.
10 Oh, I'm sorry we have the clerk tonight, sorry, the
11 secretary.

12 COURT REPORTER: Member Benkendorf.

13 MR. BENKENDORF: Here.

14 COURT REPORTER: Member Stieper.

15 MR. STIEPER: Here.

16 COURT REPORTER: Member Wolfgram.

17 MR. WOLFGRAM: Here.

18 COURT REPORTER: Member Chambers.

19 MR. CHAMBERS: Here.

20 COURT REPORTER: Member Rosene.

21 MS. ROSENE: Here.

22 COURT REPORTER: Member Anderson.

23 MR. ANDERSON: Here.

24 COURT REPORTER: Chairman Freeman.

1 CHAIRMAN FREEMAN: Here.

2 All right. Public comment is the eighth
3 item on the agenda, so I'm thinking that maybe we'll
4 just move it up because I don't know if some people
5 here wish to make public comment, and we'd be happy to
6 hear what they are. I guess we need to swear people
7 in if you'd like to make public comment.

8 MS. DICKSON: No.

9 CHAIRMAN FREEMAN: No, we don't. Thank you.
10 So if someone would like to make public comment, we
11 normally have a podium at the village hall. We don't
12 have one here. Depending on how many people want to
13 make it, you could actually just come and stand by the
14 recording secretary, if you'd like. It's a little
15 less formal, but if someone would like to make public
16 comment, you're welcome to. If you want to raise your
17 hand, we can acknowledge you.

18 All right. Mr. Perry. Mr. Perry, did you
19 want to make a public comment?

20 MR. PERRY: Yes.

21 CHAIRMAN FREEMAN: Oh, okay. You would want
22 to just come stand up here so; and for anyone wishing
23 to make a comment, if you could just state your name
24 and address for the record.

1 MR. PERRY: My name is Chet Perry. Good
2 evening. I'm a resident at 3 Porter School Road in
3 Barrington.

4 I've been a resident in Barrington since
5 1970 and in Barrington Hills since 1995. I would like
6 to -- I've been attending these meetings, many of
7 these meetings, for quite some time, and I -- my heart
8 goes out right now to the fact that I hear everybody
9 screaming to be acknowledged for their opinion.

10 This is a very difficult situation that
11 we're going through right now. Many times I'm
12 challenged myself thinking what is it that people
13 really want right now, and I think that perhaps one of
14 the biggest things that and most important things that
15 people want is to be heard, not to have anything
16 ramrodded down their face or their mouth by any group
17 or by anyone. And I think that everybody -- I don't
18 know what is, perhaps, going on in the universe right
19 now, but there's so much hostility that is going on
20 globally, and certainly it's very sad to see how much
21 is going on with hostility in our community. And I
22 just, I feel that, I feel that we have a very
23 important issue that is important to so many people
24 that has been raised at this given point in time. And

1 there are people -- I have one opinion, and really my
2 opinion, that's my opinion. But there are so many
3 people that have opinions that need to be heard by
4 everybody, and I think that it's really fantastic the
5 amount of time and energy that the ZBA has expended
6 out of their personal lives to try and listen to
7 everybody.

8 My thoughts right now is that we have to
9 come to some collective consensus for a community at
10 the end of all these meetings. We now have four
11 different proposals that have been laid out. Each one
12 seems to be slightly different in micromanaging our
13 lives within Barrington Hills; but nevertheless, each
14 one definitely needs to be heard and needs to be
15 evaluated.

16 My concern right now is that I think that I
17 don't know all the -- I know of the Illinois Open
18 Meetings Act, and I know the restrictions that are
19 placed on -- some of the restrictions, but I don't
20 know all of the restrictions, and my concern is that I
21 believe that the ZBA needs to have time to among
22 themselves meet and synthesize all of these different
23 proposals because all of the proposals, each one of
24 the proposals, in my opinion, has its own set of

1 merits, each one; but collectively you have to come up
2 with some legislative statement for the community.
3 And I feel that it's so important that everybody is
4 heard and everybody has the opportunity to make their
5 statement; but in the final analysis, whatever the ZBA
6 puts out, it has to be a synthesis of the direction
7 for our community. And I don't have anything more to
8 say than that. And God be with you.

9 CHAIRMAN FREEMAN: Thank you. Did someone
10 else wish to make a public comment? If you just want
11 to raise your hand. Sir. And I should say we're
12 going to try to limit public comment to three minutes
13 or so, so that our business portion of the meeting
14 won't run too long, but please go ahead.

15 MR. KEADY: I'll be brief. My name is John
16 Keady, 47 Lakeview Lane in Barrington Hills.

17 When my wife and I moved here almost 11
18 years ago, we were living downtown. As our kids
19 started to have grandchildren, we wanted to move to
20 the suburbs. I wanted to go to the North Shore, she
21 wanted to come to Barrington Hills because horses have
22 been part of her life for a long time. She won. But
23 before we made that decision, we understood the
24 history and the heritage of this wonderful village.

1 Now, we have a horse. We don't have a barn.
2 We board our horse here in Barrington Hills. We board
3 our horse at a very nice place called Casey (phonetic)
4 Farms on Old Sutton Road. Wonderful people. The
5 horses are well cared for. Like Casey barn, there are
6 a lot of barns throughout this community that have
7 been doing this for decades, decades. They have been
8 doing this without a problem, so I've been told.

9 I've been trying to take in this whole issue
10 ever since it started, and I'm told this has never
11 been a problem and never been an issue until just
12 recently when the problem developed between the two
13 neighbors. To pull the rug out from under all these
14 people who live here in Barrington Hills and have
15 barns big enough where they can board some horses for
16 their neighbors would be inappropriate and unfair, and
17 I'm not sure it would even be legal. I'm sure the
18 Village would be met with a lot of opposition from
19 people who have been allowed to do this for decades
20 without problems and without issues.

21 So I would ask that in your consideration,
22 that the ZBA consider our history and our tradition
23 and the fact that before any of us were in these
24 meetings, this has been going on for decades and

1 decades without a problem. Why has it reared its ugly
2 head just now. Thank you.

3 CHAIRMAN FREEMAN: Thank you. Would someone
4 else like to speak? The lady over here.

5 MS. HEIBERG: My name is Renata Heiberg. We
6 have purchased the property in Barrington Hills in
7 2011, I believe. We bought 15 acres of land, and this
8 deciding factor was that there was a barn and a trail.
9 We purchased the property that had a trail and this
10 was a deciding factor (Inaudible) without enthusiastic
11 about this whole venture. Then we tried to buy a
12 horse. We bought a horse. We kept the horse in the
13 barn with Paddy McKevitt. Then he left the property
14 and we were forced to sell the horse. I don't live in
15 Barrington Hills, but I have a property here, and I
16 would love to have a horse and keep it somewhere
17 around so I have access to my own trail. That's all.

18 CHAIRMAN FREEMAN: Thank you. Thank you.
19 If you'd like to speak, if could raise your hand.
20 There's someone right back here.

21 MR. O'HARA: My name is Dennis O'Hara, 14
22 Barrington Hills Road.

23 I don't know where all this stands and what
24 the current regulations are. I did go on the website

1 and look at some of the amendments, and I guess what
2 concerned me was under the James Drury 8-13 petition,
3 the definition, first of all, of grazing acre includes
4 pastures, like we have right here. It also includes
5 mud lots and paddocks, and I don't know any horse that
6 eats mud or likes to eat dirt. And I don't understand
7 why that would be included in grazing acres, grazing
8 land. And I can think of two horse boarding
9 operations, one on Sutton Road where I saw the horses
10 stand in mud year round because it's a low-lying area,
11 and another one at the end of Donlea Road. There's
12 horses there never seen grass. They are boarded.
13 They are in stables. They got pens. But to me,
14 grazing acres means grass, not mud and paddock areas.

15 The only other comment I have, I notice that
16 wanting to permit workers at 6:00 a.m. in the morning.
17 Again, I think that's too early. 7:00 a.m. I think is
18 good enough for anybody. That's all I have to say.

19 CHAIRMAN FREEMAN: Okay. Thank you. Did
20 anyone else wish to have public comment before we get
21 going? Mr. Thorson.

22 MR. THORSON: Andy Thorson, 100 Dunrovin
23 Drive.

24 Thanks for having us here tonight. I'd kind

1 of like to go through, I mean, the perception -- I've
2 talked to a lot of people, Riding Club members
3 non-Riding Club members, just neighbors. The
4 perception is that this is getting rushed through the
5 ZBA and the board of trustees, but, I mean, we've got
6 to think this started back in 2006 when Chuck
7 Schueppert started examining the agricultural code and
8 the implications of the horse boarding.

9 The Equestrian Commission has issued
10 opinions. The Equestrian Commission put together a
11 White Paper. This is probably a couple years after I
12 moved in, so I've hit most of these meetings. I think
13 I missed the first couple years. The public health
14 has stated opinions on manure.

15 After nine years of debate and a recent
16 court ruling that place existing boarding operations
17 in jeopardy, it's time that the ZBA made a
18 recommendation to the village board. The board can
19 reject it, they can adopt it, they can change it, but
20 we need to move toward resolution on this issue, and I
21 hope that you guys can come together on some sort of
22 stated opinion and get it to the board of trustees to
23 where, you know, elected officials can take the next
24 step. Thanks.

1 CHAIRMAN FREEMAN: All right. Is there
2 anyone else who wants to make a public comment before
3 we get going? All right. Then I'm going to close --
4 oh, Mr. Elder.

5 MR. ELDER: I'm not sure, I don't want to
6 turn my back on anybody. So I'll just stand over
7 here. So I'm Jason Elder. I live at 273 Leeds Drive.

8 And I tried to put together some of my
9 thoughts on all of this stuff. You know, I've talked
10 to a ton of residents, a lot of interested parties who
11 own horses and who don't.

12 My wife and I moved here in 2005 because we
13 believed Barrington Hills was a special place. We
14 drove through it a lot. We lived in Cary, and we saw
15 everything around during our commutes, and we thought
16 horses and open space were kind of written into the
17 landscape. Nearly ten years later, I guess we've all
18 found out that's not necessarily the case.

19 I attended my first village board meeting, I
20 think Andy mentioned that period of time in 2006, and
21 the topic at that time was horse boarding and
22 agricultural rights that all R1 properties had and
23 still have. This isn't a new issue. There has been
24 extensive study, debate, legislation, litigation, and

1 discussion about this over the last nine years. We've
2 had plans and White Papers from the Equestrian
3 Commission, proposals from residents, the ZBA, and
4 board members, opinions from the health department on
5 manure, and as we all know, since 2008, a big
6 neighbor-to-neighbor lawsuit over property rights and
7 horse boarding all in the background.

8 When I first found out that horses, open
9 space, and a rural existence were not givens in
10 Barrington Hills back in 2006, as a new resident I was
11 shocked. Then I was in denial. Then I was angry.
12 Then I was sad. I literally went through the four or
13 five stages of grief. I was in my 30s then. I didn't
14 know as much about the community as I know now. I
15 also hadn't met the many people I have since and
16 hadn't spent the time to really understand some of the
17 issues we all face.

18 Today, speaking for myself and the Riding
19 Club board, I really don't feel those strong emotions;
20 and we talked a lot about this, as my fellow board
21 members know. I think mostly we're really curious.

22 One of the things I'm curious about is our
23 perception of the real history of Barrington Hills.
24 What do people believe it to be. What is it actually.

1 Are we a historically residential community, as some
2 have stated, or are we historically a rural equestrian
3 community founded by gentlemen farmers who perceived
4 the value of open space and created a community and a
5 way of life that would protect it.

6 If, and I do a fair amount of speaking, and
7 I've never encouraged anybody to do this, but if you
8 have a mobile device, I'd encourage everybody to
9 quickly pick it up and Google Barrington Hills aerial
10 photography study. It's a You Tube video that's out
11 there. I think the Historical Society put it together
12 and it's very instructive. What you'll find is a You
13 Tube video of aerial photographs of Barrington Hills
14 at intervals between 1935 and 2005. It is
15 fascinating. And anyone who looks at that will
16 quickly conclude that whether we want to admit it or
17 not, whatever words we want to use to describe it,
18 based on visual evidence alone, our history is rural,
19 agricultural and equestrian. You can see it unfold.
20 You can use a magnifying glass on those old
21 photographs. You can see the horses. You can see the
22 cows, and you see very few homes.

23 Our history is open space, but we are
24 surrounded by more residential communities as larger

1 properties have been sold off and developed, some with
2 less than five-acre zoning, like Paganica and Kennedy
3 disconnection. We have undoubtedly become more
4 residential, as can be seen from the photographic
5 study.

6 Based on the evidence, we are clearly not
7 and never have been in danger of becoming overrun with
8 horses. The opposite seems to be true. Over time and
9 as the economy recovers today and more large
10 properties are sold off to developers, we will likely
11 see more houses, potentially many more. So this is
12 the question we all must answer. This is the source
13 of my current curiosity, and our Riding Club board
14 that's done, I think, a great job. I just really am
15 honored to serve with board members who have not put
16 their own personal interest first but have honestly
17 sought to understand.

18 We've got to decide. We know what the past
19 is, it's rural and equestrian. The photographic
20 evidence is indisputable, but what do we want our
21 future to be. South Barrington was a five-acre zoning
22 community 30 years ago. We all know what it looks
23 like today. Is that the kind of future we want? Or
24 do we want to preserve what we still have and

1 encourage existing large landowners like Dick
2 Stevenson, the Sanfilippos, Laura Pedian, Char
3 Christian (phonetic) and many others to maintain the
4 horse facilities they now have without fear of
5 lawsuits or legal action and encourage those in the
6 future who would buy and preserve large tracts of land
7 in our community for historically important rural and
8 equestrian pursuits to believe they can still do so
9 without fear of being shut down or cut off at the
10 knees by the unfortunate result of a
11 neighbor-to-neighbor dispute that now affects all of
12 us, whether you own horses or not.

13 Subdivision and development do not require a
14 special use process or a referendum of neighbors.
15 Large open properties can be bought on the open market
16 by a developer tomorrow, and if they follow the rules,
17 a new subdivision will go in along with all the
18 traffic, density, and infrastructure problems,
19 builders, landscapers, waste management, minivans,
20 freight companies, delivery people, and all of the
21 daily services we use.

22 Do we want to create a process for
23 preserving our rural heritage that is more difficult
24 than putting in a new subdivision? Do we prefer to

1 look at 35 homes and deal with the blacktop, curb
2 cuts, traffic, noise, light, and related issues rather
3 than the 42 horses and barn that occupy 175 acres
4 today on properties like Tudor Oaks? If we make it
5 more difficult to keep Barrington Hills the way it is
6 than subdivide and develop it, that's what will
7 ultimately occur. Maybe not today. Maybe not
8 tomorrow, but inevitably as it has in the communities
9 around us that don't have the special agricultural
10 rights all R1 lots enjoy and don't have our
11 comprehensive plan. This is what we must decide
12 together as a community.

13 I hope and pray for all of us that together
14 with the ZBA and village board, we make the right
15 choice. Making the right choice is difficult. With a
16 limited budget, the Riding Club has spent a lot of
17 time this year in the midst of a lot of other
18 challenges, and we spent a lot of resources
19 researching the issue informing our membership. We
20 don't have the answer, but we feel confident we have
21 identified a problem. Others believe so, too. We
22 proposed some workable solutions. We don't have a
23 complete solution. The community needs to come
24 together and decide that. At the same time, we can't

1 be naive. Special interests with millions of dollars
2 at stake are conducting a well-funded,
3 well-orchestrated campaign to push us further along
4 the path of subdivision and development by
5 discouraging historical rural and equestrian uses of
6 the remaining large tracts of land in our community.

7 There need to be rules, but should the rules
8 promote increased density by making subdivision and
9 development more attractive than preserving our rural
10 and equestrian heritage by protecting open space. As
11 an individual and as president of the Riding Club, I
12 am curious and interested in this community's answer.
13 I have faith and confidence that we will get there
14 together. Thank you.

15 CHAIRMAN FREEMAN: There's no clapping. All
16 right. If someone else wishes to speak, raise your
17 hand. Oh, all right, Mr. Yeterian. You know, we're
18 trying to keep it to three minutes.

19 UNIDENTIFIED SPEAKER: Take all the time you
20 want.

21 CHAIRMAN FREEMAN: No, no. We are really
22 trying to keep it -- I don't want to cut anyone off
23 because I don't have a clock here like Tuesday night.

24 MR. YETERIAN: This will take about 30

1 seconds. Matt Yeterian, I reside at 13 Deepwood Road.

2 And just very, very briefly, it has been
3 suggested that we convene a committee to decide on the
4 issue of boarding. The reason we have elections is to
5 democratically elect competent trustees. It is an
6 insult to the intelligence of the trustees and the
7 democratic process to delegate this important decision
8 to a blue panel committee. I don't suggest you go
9 down that road. Thank you.

10 CHAIRMAN FREEMAN: Thank you. If anyone
11 else wishes. All right. This gentleman here.

12 MR. HANNIGAN: Mike Hannigan, 803 Dormy Lane
13 over at Paganica. I have a question of the president,
14 the former president of the Riding Club and the
15 members of this Zoning Board who are members of the
16 Riding Club, and my question is how does commercial
17 boarding under agriculture, which takes away tax
18 revenues from a village that is already strapped for
19 money, cure the problem of saving our five-acre
20 zoning? I have another question. Mr. Yeterian, you
21 say we elected the officials. We did not elect anyone
22 on this board. The members of this board were
23 appointed by Robert Abboud, and the members of this
24 board are Riding Club: Kurt Anderson, who refuses to

1 give up his seat; Karen Rosene, whose husband is the
2 president of the polo club, who operates the polo club
3 at the good graces of Mr. LeCompte. This is
4 designed --

5 CHAIRMAN FREEMAN: Sir, sir, you can't talk
6 about individuals.

7 MR. HANNIGAN: I'm talking about the
8 individual members of this board who are not sat
9 legally, who you, yourself, have contacted the
10 attorney general to determine whether your board is
11 legal and whether or not all the of the things you
12 have done since Abboud illegally appointed this board
13 are legal, and now you are going to pass the most
14 significant zoning change to this village when you
15 don't even know if you have the legal ability to do
16 it.

17 You are an extension of the Riding Club, and
18 you are giving the Riding Club a black eye because of
19 the manner in which you are going about this. It's
20 not about what you're trying to accomplish, it's about
21 the manner in which you are trying accomplish it. It
22 isn't right you are rushing it because you want to get
23 it in before the next election while you still have
24 Riding Club members as a majority of the Zoning Board

1 and Riding Club members with Joe Messer over here as
2 members of the board of trustees, and that is all this
3 is about. There's no reason to rush this through and
4 change this when you don't know what the effect is
5 going to be on our tax base, you don't know whether
6 it's going to be legal or how many hundreds of
7 thousands or millions of dollars the Village will
8 spend litigating over what you are going to do here to
9 help out the Riding Club.

10 CHAIRMAN FREEMAN: This gentleman right here
11 raised his hand.

12 MR. FRIEDMAN: Thank you. Ross Friedman,
13 2301 Crabtree Lane in Algonquin.

14 I'm a boarder and former Riding Club board
15 member. I said this at the other meeting that we had
16 back in July, and I'll say it again for everybody's
17 benefit. This is not an issue of the Riding Club. It
18 has nothing to do with the Riding Club. It's
19 coincidental that a lot of people that have opinions
20 and a lot of people who have been involved are in the
21 Riding Club. And knowing what I know about the Riding
22 Club, having been on the board is it's a significant
23 amount of people who don't even own horses who are in
24 Riding Club.

1 I also have said, and I'll say it again,
2 that if you polled every single individual in the
3 Riding Club, you may get people that aren't in favor
4 of commercial boarding or horse boarding. You may
5 very well get that. We don't -- the Riding Club is
6 not speaking for anything here. I want everyone to
7 know this, this is not a Riding Club issue. It's
8 coincidental that most people in the Riding Club have
9 horses and like to ride horses; is that not true?

10 It's not a Riding Club issue. This is a
11 neighbor dispute, as it says. This is where it began.
12 It's led us to where we are today. It is not a Riding
13 Club. It has nothing to do with it directly. I just
14 want to make that clear because I can see where these
15 issues are getting incredibly convoluted. This is not
16 about the Riding Club. Anybody who is on the board is
17 coincidental.

18 There's many, many issues that come up. I
19 mean, let's say we have something going forward about
20 library. So in other words, anybody who has read a
21 book or likes to read should recuse themselves from
22 something like this. That's basically what you're
23 saying, what's being said about the Riding Club.

24 So that's basically all I have to say is it

1 just gets me so frustrated because it's not a Riding
2 Club issue and don't make it out to be a Riding Club
3 issue. Thank you.

4 MR. STIEPER: I'm sorry, sir, would you
5 state your address for the record.

6 MR. FRIEDMAN: I did. Who asked me that?

7 MR. STIEPER: I asked you that.

8 MR. FRIEDMAN: 2301 Crabtree Lane,
9 Algonquin, Illinois.

10 MR. STIEPER: Thank you.

11 MR. FRIEDMAN: Not Barrington. Algonquin,
12 Illinois. Xenophobia.

13 CHAIRMAN FREEMAN: Okay. This lady right
14 here was next.

15 MS. BOYLE: Pauline Boyle, 315 Ridge Road.

16 I just want to say amen, Mike Hannigan.
17 Amen, Mike Hannigan. And also to the board members,
18 to the trustees, to the Riding Club members, I want to
19 say one thing, a half truth is still a lie.

20 CHAIRMAN FREEMAN: All right. If anyone
21 else would like to speak, please raise your hand;
22 otherwise, I'm going to close public comment.
23 Gentleman in the back. You are dressed nicely, so I'm
24 making an assumption.

1 MR. PAPPAS: Never assume. Good morning,
2 ladies and gentlemen of the Zoning Board. Can you
3 hear me? My name is John Pappas. I live at 23 West
4 County Line Road, where I've resided for since 1983.

5 I promise if you open up your hearts and
6 minds, people in the audience, I'll give you a hall
7 pass for both days of my wake.

8 I was very aggrieved and upset to see what's
9 going on with people closing the riding trails because
10 they don't agree with some of us. It's okay to
11 disagree but not be disagreeable.

12 I would like to address a few comments. I
13 saw someone wrote that I was appointed illegally by
14 Bob Abboud to the Equestrian Commission and that the
15 Equestrian Commission has made his life miserable.
16 The fact of the matter is when Bob Abboud went out of
17 office, my time, my term, had not expired; and I was
18 just recently reappointed by Marty McLaughlin for
19 another term on the Equestrian Commission, as was
20 Emily McHugh.

21 The second thing is I don't know how or what
22 manner the Equestrian Commission has made this
23 person's life miserable. We've tried to volunteer our
24 time, study these issues, and make ourselves

1 available. So if you'd like to come to my place and
2 sit down and have a cocktail and tell me how I made
3 you miserable. That's my job as a trial lawyer but
4 not as a resident of Barrington Hills and not as a
5 member of the Equestrian Commission.

6 Now, also I see that we're seeing the same
7 Jeremy Bentham parade of horribles hackneyed argument
8 that horses, too many horses will cause groundwater
9 spoliation and destroy our aquifers. Please go to the
10 Village website and you'll see that the commission,
11 the public health commissioner already did that study,
12 and it takes 100 head of horses or cattle on one acre
13 for a substantial period of time to foul our
14 groundwater or aquifers. So that has already been put
15 aside.

16 And I want to direct something to David. I
17 thought it was a good question the other day when you
18 asked Tedd Gagen how many boarding facilities there
19 are in the village for purposes of special use
20 permits, and she said 14 to 18. Let's take 16, okay.
21 I also understand there's some group that wants to do
22 this yearly, and I think that will take up so much
23 time. Let's take 8 of these special use permits. We
24 know from what we've seen that they are going to be

1 contentious, probably two sessions for these. So
2 that's 2 times 8 is 16. The other 8 is 24. Do you
3 really want 24 sessions of hearing this stuff each and
4 every year.

5 The other thing that's amazing to me is I've
6 been told, listening to everybody, oh, don't worry,
7 you qualify, you've never caused a problem. Neither
8 have any of these other barns and yet they want us to
9 go through the special use permit. Why? Never caused
10 a problem.

11 So let me tell you, I've been here since
12 1983. I took a piece of property that was in
13 foreclosure and was a slum. I've invested a ton of
14 money, and do you think I'm really making money
15 boarding horses. Jessica Underwood, who's running my
16 place now, she was my first customer; and she was
17 about that tall, as was her sister and her mom, and I
18 can tell you -- let's do some math. If you want to
19 put -- you know, there's everybody worried you're
20 going to put ten horses on a five-acre parcel. Okay.
21 The assessor will give you one acre for your
22 agricultural classification. The other four acres,
23 your tax bill will be over \$30,000 a year. I know
24 that. You can, the most you can charge for boarding a

1 horse is \$1,000 a month. So that's 10,000 a year
2 times 10 is \$100,000. You have \$30,000 in taxes.
3 Your liability insurance and your homeowners and your
4 barn's insurance is over 5,000. Your -- you need two
5 grooms, one groom for five horses, so you need two.
6 And I know that's 550 a week. Now, hay shavings and
7 grain cost a ton of money. You have to have a
8 tractor. You have to have diesel fuel and, you know
9 what, there's nobody is going to come here and try to
10 do that because you lose your butt. That is a
11 terrible, terrible argument to say that we are going
12 to have all of these problems because we allow 10
13 horses on five acres. It's not going to happen and
14 that doesn't even count what it cost to build a barn.

15 So thank you for your attention, and I will
16 see you at my wake.

17 MR. STIEPER: John, I have got a question
18 for you. If I sit down with you, what kind of alcohol
19 are you serving?

20 MR. PAPPAS: Whatever you want.

21 MR. STIEPER: I'll be over tomorrow.

22 MR. PAPPAS: How about tonight?

23 MR. O'DONNELL: Thank you. Jim O'Donnell,
24 Ridgcroft Lane.

1 I don't care about big barns. My issue is
2 why are we tying either unrestricted number of horses
3 or allowing 10 horses to be boarded on five acres.
4 The two don't make any sense. That's why -- that's my
5 horse in this race is I don't want to see that. And I
6 think it's dangerous. I think it's unsightly. I
7 think it's unfair, and it removes the protection I
8 have as a resident now to complain about some visible
9 business going on.

10 The way I read the text amendments with the
11 reclassification of the activity, I and other
12 residents lose our right, lose our regulatory right to
13 complain, and the Village loses its ability to take
14 action because it's removed to some other
15 classification. I don't see the connection and the
16 insistence. Mr. Pappas, I respect you. I've worked
17 for you. And what kind of lunatic would come in here
18 and put 10 or 20 horses on five acres. The problem
19 is, they can; and if they do, we can't do anything
20 about it, and that's why we're screaming. That's why
21 the majority of the residents in this village are
22 angry about it, and we're trying to get your attention
23 to go beyond your affiliations, your associations,
24 your friendships, your deals. This is a bad, a bad

1 plan, a bad proposal in those two text amendments.

2 There should be a limit. Thank you.

3 CHAIRMAN FREEMAN: All right. Oh, one more.

4 Last one.

5 MS. ROUSSEAU: I was just inspired to come
6 and speak -- Jennifer Rousseau, 127 Buckley Road,
7 Barrington Hills -- primarily, by the last gentleman's
8 comments because I want it clear that at this moment,
9 there are no limits on the number of horses you can
10 put on five acres, and yet we do not have hundreds of
11 horses on five acres. Why is that? Because it
12 doesn't make sense to anybody financially. From a
13 best practices point of view, it does not make sense
14 to put too many horses on five acres. It is not
15 happening now. It will not happen if we change the
16 designation, if we add horse boarding to cattle,
17 chicken, crops, pigs, horse boarding. It will not
18 change how the land is taxed. We've already seen the
19 court case. The court referred to the Village Code
20 and said Mr. LeCompte's operation did not comport with
21 Village Code. It went to the Village Code first in
22 the court case and will continue to do so in any
23 subsequent case.

24 These fears that are being sent out there

1 are, so many of them are being, are unwarranted
2 because we're not taking the time to fully understand
3 what we're asking for. And I was somebody who was
4 consulted on the Elder amendment, and I want you to
5 know we spent a long time trying to make sure we
6 thought of all the different points of view, how
7 neighbors might react, how other horse owners, small
8 barns, big barns would fit into that. The last thing
9 we want to do is make our neighbors angry. That is
10 the very last thing. And I say that with the purest
11 heart, Mr. Hannigan. I'm a Riding Club member. It's
12 not rushing, sir. It is --

13 (Unidentified speakers inaudible
14 comments.)

15 MS. ROUSSEAU: I'm not addressing you.

16 CHAIRMAN FREEMAN: Hang on. Address us.

17 MS. ROUSSEAU: Thank you. I just want to
18 make sure that the board understands and everybody in
19 this room understands that there has not been
20 previously any limit. That we are offering a limit in
21 all of the text amendments that are before you and
22 that the reason why we don't have 100 horses on
23 10 acres is because it doesn't make sense. Thank you.

24 CHAIRMAN FREEMAN: All right. One other

1 item --

2 MS. WAMBERG: Hi, my name is Dede Wamberg.
3 I'm at 52 Brinker Road. All right.

4 I have been a 28-year resident of this
5 village. I've lived in three of the counties in that
6 28 years. I've lived in unincorporated land. I've
7 lived in incorporated land, and all I can tell you is
8 in the 28 years that I have lived here, I've always
9 looked to the ZBA, the Zoning Board of Appeals; and
10 I've been before you guys a lot in those 28 years, as
11 someone that's going to protect the rights of the
12 residents in this community, and I'm really kind of
13 disappointed in the simple fact that from counsel, the
14 reason that you folks are taking four different
15 amendments and you have four different people bringing
16 them before you is because through counsel, the board
17 of trustees was advised because of litigation problems
18 to not get embroiled in this as long as there is still
19 litigation going on.

20 So you folks are taking this up and to the
21 detriment of all of us in this community because it
22 should be a non-issue like it was two years ago. And
23 I really do think this is being fast tracked. I think
24 it's being fast tracked and being shoved down the R1

1 owners in this community.

2 Now, I have owned up towards 140 acres in
3 this town and put a lot of land under soybean and
4 corn, and the reason why we do it, we get a tax break.
5 Now, unless they have changed those rules, I think
6 that you folks really need to look into this big time
7 because you are putting our tax dollars at risk. So
8 if you have chickens now, you can go as agriculture?
9 Come on. You know, you folks are all smart up there,
10 and I really don't understand why this has to be a
11 rush when there's so many questions out there. And
12 it's not like anybody is going to close down because
13 the lawsuit wasn't published. So it only pertains to
14 the two people that are having this problem. And why
15 we have to sit here and look at dirty underwear being
16 washed in public is beyond me.

17 I would hope tonight that you folks agree to
18 agree that we all are disagreeing and you have a lot
19 of homework to do. I am thankful that the Riding Club
20 took a lot of time putting together their amendment,
21 and I'm glad that Mr. Drury has one. And we're
22 playing catch up here, and this could go on for
23 months, a year, two years. I have better things to
24 do, and I'm sure you do, too.

1 So I would take a big deep breath and I
2 would say, you know what, we have some problems here.
3 They are procedural problems. We haven't done all of
4 our homework, but I would only hope that you look at
5 all of the residents and not just the ones that have
6 four hooves. You look at the people that live here,
7 have made a life here, and I want this community to
8 stay the way it is. I do not want any commercial
9 boarding or any change to R1 zoning. Thank you.

10 CHAIRMAN FREEMAN: All right. Before we get
11 going, there was an administrative matter, and,
12 Miss Dickson, I may need your help. I know that we
13 received a question about our noticing procedure, and
14 I just wanted to make sure that it was clear that that
15 question was asked and answered by the Village.

16 MS. DICKSON: There had been a question
17 raised relative to the hearing that was held on
18 September 9th. A couple of residents had suggested
19 that because the notice of the meeting wasn't posted
20 at the remote location, which was Countryside School,
21 that that might have placed that meeting in legal
22 jeopardy; and, in fact, the meeting was properly
23 posted in accordance with the Open Meetings Act. We
24 did research that issue and we provided legal opinion

1 to both of the residents -- actually, one attorney and
2 one resident who commented on it, and in our opinion
3 the meeting was legally held and proper and that is
4 why the meeting proceeded. If we had determined that
5 that meeting had any legal flaw, we would have
6 notified the Village and that meeting would have been
7 canceled. But according to the Open Meetings Act, as
8 a special meeting, the notice that was provided was
9 legal and that meeting was properly held.

10 CHAIRMAN FREEMAN: Thank you. All right.

11 MR. STIEPER: I understand that that inquiry
12 with regard to my question to Mr. Burney. He had
13 filed something to this Village with regard to notice
14 as well as with regard to a legal standing issue
15 whether a resident could even bring an applicant -- an
16 application under our code.

17 My question is this: I have never gotten a
18 copy of that document that was filed by Mr. Burney.
19 I've requested it of the Village. I still don't have
20 it today. This brings me to an issue with regard to
21 why are we not being furnished, and I'm assuming the
22 rest of the board isn't, maybe the Chairman is, being
23 furnished with this documentation that's filed with
24 the Village relating to boarding. And if we weren't

1 furnished with this document, what other documents
2 have we not been furnished with.

3 MS. DICKSON: That may -- you should have
4 been provided a copy of that this afternoon. I
5 e-mailed it out to all of the members personally. If
6 you didn't receive it, I will provide you with a copy
7 of it now. I have to apologize, it might have been
8 late and you might have missed it in transit but.

9 MR. STIEPER: Counsel, it's filed with the
10 clerk. Mr. Burney indicated he had filed it on the
11 8th. I'm not -- this isn't your concern. My question
12 is why aren't we getting this documentation? I
13 requested it both at the meeting. I was surprised
14 even existed; and then secondly, I had requested it at
15 the Village today that this had been filed and I
16 haven't received it now.

17 MR. KOSIN: You were just advised that it
18 was transferred by the office of the Village attorney,
19 and that was the process in order to retain the legal
20 opinion in that regard. So that's how the records are
21 flowing. If the record has some privilege attached to
22 it, it first gets consultation with the Village
23 attorney. If there is no feeling of privilege, then
24 it's distributed, posted, and broadcast, to that end

1 of it.

2 MR. STIEPER: I don't think we lose our
3 privilege if the clerk distributes it to the members I
4 don't know if it's a more efficient way. I'm just
5 saying it's a bookkeeping thing.

6 The other issue is we are proceeding with
7 this meeting tonight, and I don't know about you guys,
8 but I request all of the transcripts. I read all of
9 the transcripts. I highlight the information, as I've
10 done with the LeCompte and Riding Club application,
11 which I've gone through thoroughly. I've requested
12 the transcript of the meeting of the 9th, which was
13 the Hammond application and the Drury application. I
14 understand the court reporter hasn't completed that
15 transcript, so I'm coming to this meeting not as
16 prepared as I would want to be; and I think based upon
17 that, have an incomplete record.

18 I don't know what the rush is to get all
19 these things completed, but I would like to be
20 prepared for these meetings, and I would like to be
21 able to do the diligent job that I think the Village
22 of Barrington Hills deserves; and based upon that, I
23 would like to offer up a motion to continue this
24 meeting until that transcript is distributed, until

1 we've had time to review that transcript, and that we
2 can be as long as possible based upon what's been
3 presented to this board.

4 So if there isn't -- I would like to make
5 that motion to continue now based upon lack of
6 information. I also understand, too, that two of the
7 applications were furnished to the Equestrian
8 Commission, as the LeCompte application and the Riding
9 Club application for review and their input, which I
10 believe is a good thing. That's what the Equestrian
11 Commission is there for certainly. They are there,
12 they have an expertise in equestrian issues, but I
13 understand the other two applications have not had an
14 opportunity to be reviewed by the Equestrian
15 Commission. So I think in fairness, those
16 applications deserve the study of the Equestrian
17 Commission as well and their comments, which would
18 serve this board. And that's another basis I believe
19 this meeting should be continued. Until that process
20 is complete, because I don't know how we can call it
21 fair and balanced if only two of the applications made
22 their way to the Equestrian Commission, two haven't,
23 and we only have a transcript with regard to two of
24 the applications, but we don't have a transcript with

1 regard to the later two applications.

2 So based upon that, I make the motion to
3 continue this hearing.

4 CHAIRMAN FREEMAN: Is there a second for the
5 motion?

6 UNIDENTIFIED SPEAKER: Second.

7 UNIDENTIFIED SPEAKER: Call for the
8 question.

9 CHAIRMAN FREEMAN: Would a member of the
10 Zoning Board like to second Mr. Stieper's motion?

11 MR. CHAMBERS: I'll second it.

12 CHAIRMAN FREEMAN: All right. Mr. Chambers
13 seconds the motion. Is there any discussion of the
14 motion?

15 MS. DICKSON: There's no discussion on a
16 motion to table.

17 CHAIRMAN FREEMAN: Thank you. It's a motion
18 to continue, correct?

19 MS. DICKSON: I assume yours is a table to a
20 meeting date certain; am I correct in assuming that?

21 MR. STIEPER: Yeah.

22 MS. DICKSON: I'm assuming that what you
23 mean is it's a motion to table to a date certain?

24 MR. STIEPER: Correct.

1 CHAIRMAN FREEMAN: Okay. And there's no
2 discussion of that motion. All right. Would you like
3 to call that question, please.

4 COURT REPORTER: Member Benkendorf.

5 CHAIRMAN FREEMAN: No, no, he can ask a --

6 MS. DICKSON: A procedural question.

7 MR. WOLFGRAM: What, as far as a delay is
8 concerned, what does that mean? If there were to be a
9 delay, what kind of time frame are we talking about?

10 MS. DICKSON: Well, unless the board wanted
11 to set a special meeting, the next meeting of the
12 Zoning Board of Appeals is scheduled, the regular
13 meeting is September 15th. I don't know if the
14 transcript would be ready preparatory to that.
15 Otherwise, the next meeting, the next regular meeting
16 after that would be October 22nd; is that correct?

17 MR. KOSIN: That is correct.

18 MS. DICKSON: So you'd be looking at those
19 as your potential times, unless you wanted to schedule
20 a special board meeting.

21 MR. WOLFGRAM: Okay. Thank you.

22 MS. ROSENE: May I ask a question? Was
23 there a deadline at all after the first two text
24 amendments were submitted, was there some kind of a

1 deadline and were the other two accepted after the
2 deadline?

3 MS. DICKSON: There was never a deadline for
4 the filing of applications.

5 MS. ROSENE: Okay.

6 CHAIRMAN FREEMAN: Any other questions? All
7 right. Can you call the question please.

8 COURT REPORTER: Member Benkendorf.

9 MR. BENKENDORF: No.

10 COURT REPORTER: Member Stieper.

11 MR. STIEPER: Yes.

12 COURT REPORTER: Member Wolfgram.

13 MR. WOLFGRAM: Yes.

14 COURT REPORTER: Member Chambers.

15 MR. CHAMBERS: Yes.

16 COURT REPORTER: Member Rosene.

17 MS. ROSENE: No.

18 COURT REPORTER: Member Anderson.

19 MR. ANDERSON: No.

20 COURT REPORTER: Chairman Freeman.

21 CHAIRMAN FREEMAN: No.

22 The motion fails. Okay. The first order of
23 business then is, is agenda item number three,
24 recommend, discussion/vote text amendment, LeCompte.

1 What would typically happen is someone would
2 make a motion to -- we have three choices here. We
3 need to make a motion to either accept, reject or
4 amend this application. And in each of these four
5 instances, those are the three choices that we have as
6 a group. So my sense is that once we get the first
7 one on the table, we'll end up talking about a lot of
8 them, but we have to have a motion seconded in order
9 to start that. Mr. Anderson.

10 MR. ANDERSON: I would make a motion that we
11 recommend the LeCompte proposed text amendment with
12 amendments. I have spent a great deal of time, and
13 thanks to Miss Fitch, she was very nice in outlining
14 many of the differences between the various text
15 amendments. And I have a fairly extensive amendment
16 to Mr. LeCompte's text amendment. So I have prepared
17 a printed version of that to be passed out, and I will
18 read that into the transcript and then we can discuss
19 the proposed motion, assuming a second.

20 MS. ROSENE: Second.

21 MR. STIEPER: I just have a question
22 regarding LeCompte petition, is that the same petition
23 which was drafted by you, Miss Freeman, Mr. Messer, as
24 well as Dr. LeCompte?

1 CHAIRMAN FREEMAN: I'm sorry, can you repeat
2 that?

3 MR. STIEPER: Yeah, the petition we are
4 dealing with with Dr. LeCompte, the LeCompte petition,
5 is that the same petition that you, Dr. LeCompte, and
6 Mr. Messer had drafted?

7 MR. ANDERSON: Is that addressed to me?

8 MR. STIEPER: That's directed to the
9 Chairman.

10 CHAIRMAN FREEMAN: He's asking it of me. Is
11 this some type of trick question, Mr. Stieper?

12 MR. STIEPER: No, I'm asking a question
13 because at the meeting I'd asked Mr. LeCompte who he
14 had met with on the ZBA board, and you had cut me off.
15 You said no more further questions. You pulled the
16 witness away from me. So I'm asking the question is
17 this the same petition in which you, Mr. Messer, and
18 Mr. LeCompte prepared?

19 CHAIRMAN FREEMAN: I've not prepared a
20 petition, Mr. Stieper.

21 MR. STIEPER: Okay. So then when
22 Mr. LeCompte had a conversation with the Village
23 president in presence of Mr. Bond where he indicated
24 that you, Mr. Messer, and himself had prepared an

1 application, a proposed text amendment, that would
2 have been an incorrect statement by Mr. LeCompte?

3 CHAIRMAN FREEMAN: I didn't hear his
4 remarks, but your statement is incorrect.

5 MR. STIEPER: So my question is you never
6 met with Mr. LeCompte or Mr. Messer with regard to
7 zoning and text amendment?

8 CHAIRMAN FREEMAN: I have spoken with anyone
9 who picks up the phone and calls me and/or shows up on
10 my doorstep. It's part of my obligation as a public
11 servant. So I've probably talked to two-thirds of the
12 people in this room, yes.

13 MR. STIEPER: Did you talk to Mr. LeCompte?

14 CHAIRMAN FREEMAN: Yes.

15 MR. STIEPER: What did you talk about?

16 CHAIRMAN FREEMAN: Mr. Stieper, I don't have
17 to answer your detailed questions. All right.

18 The motion has been seconded by Mrs. Rosene.

19 MR. STIEPER: So just so I understand, you
20 are denying the fact that this application before us
21 of Mr. LeCompte you had no hand in preparing?

22 CHAIRMAN FREEMAN: I did not prepare any of
23 the four petitions that are before the board this
24 evening.

1 MR. STIEPER: You and Mr. Messer and
2 Mr. LeCompte did not meet together to discuss a zoning
3 of commercial boarding; is that correct?

4 CHAIRMAN FREEMAN: That is absolutely
5 correct.

6 MR. STIEPER: Thank you.

7 CHAIRMAN FREEMAN: Mr. Anderson, you have
8 the floor.

9 MR. ANDERSON: Proposed text amendment to
10 the Village of Barrington Hills Zoning Code. The
11 Zoning Code shall be amended by deleting sections
12 5-3-4(D)3(g) and amending sections 5-2-1, 5-3-4(A) and
13 5-5-2(A) such that the respective sections shall now
14 read: 5-2-1 Definitions: The use of land for
15 agricultural purposes, including farming, dairying,
16 pasturage, apiculture, horticulture, floriculture,
17 viticulture and -- strike the and -- animal and
18 poultry husbandry, the breeding, boarding, and
19 training of horses and rider instruction and the
20 necessary accessory uses for handling or storing the
21 produce, conducting animal husbandry, and for the
22 breeding, boarding, and training of horses and rider
23 instruction.

24 It is recognized specifically that the

1 buildings, stables, or structures associated with the
2 breeding, boarding, and training activities, open
3 paren, boarding and training facilities, closed paren,
4 may exceed the size of building associated with
5 residential or other uses of the land, without
6 affecting a determination that the use of such land is
7 deemed agricultural. This definition of agriculture
8 shall not be construed as encompassing or extending to
9 daily or hourly unsupervised rental of horses.

10 Section 5-3-4: Regulations for Specific
11 Uses. Agricultural. A, Agriculture, subparagraph
12 one. Other than those regulations specifically
13 provided for in section 5-3-4(A)2(a) below, the
14 provisions of this title shall not impose regulations
15 or require permits with respect to land use or to be
16 used for agricultural purposes, or with respect to the
17 erection, maintenance, repair, alteration, remodeling,
18 or extension of buildings or structures used or to be
19 used for agricultural purposes upon such land, except
20 that such buildings or structures for agricultural
21 purposes may be required to conform to building or
22 setback lines. In the event that the land ceases to
23 be used for agricultural purposes, then, and only
24 then, shall the provisions of this zoning title apply.

1 Subparagraph two, Boarding and Training of
2 Horses and Rider. Subparagraph A, Regulations: The
3 following provisions listed in this subsection
4 5-3-4(A)2(a) shall apply to all boarding and training
5 of horses and to rider instruction.

6 Subparagraph I, the hours of operations for
7 boarding and training facilities shall be, little
8 Roman I: Employees not residing on the property from
9 6:00 a.m. to 9:00 p.m. or 30 minutes past dusk,
10 whichever is later. Subparagraph two I, boarders and
11 riders receiving instruction from 7:00 a.m. to
12 8:30 p.m. or dusk, whichever is later. Sub three, use
13 of machinery, 7:00 a.m. to 9:00 p.m. These hour --
14 these hourly restrictions shall not apply in the event
15 of emergencies.

16 Regulations. Subparagraph two, no property
17 shall be allowed to conduct the activities subject to
18 the regulations under this section 5-3-4(A)2 that is
19 not located on the same zoning lot or lots under the
20 same ownership and control as the residence of the
21 owner or operator of the related facility.

22 Subparagraph three, all barns shall have
23 animal waste management protocol consistent with
24 published acceptable standards and in full compliance

1 with 7-2-5 of the Village's Municipal Code.

2 Subparagraph four, lighting for barns,
3 stables, and arenas shall only be directed into the
4 property on which such uses occur such that there is
5 no direct illumination of any adjacent property from
6 such lighting. In all respects, lighting for any
7 activities or structures used in agriculture shall
8 comply with all other provisions of the Village Code.

9 Subparagraph five, nuisance causing
10 activities. It is unlawful for any person operating a
11 boarding and training facility to allow or permit any
12 animal to cause serious or habitual disturbances or
13 annoyance by frequent or habitual noisy conduct which
14 shall annoy, injure or endanger safety, health,
15 comfort or repose of others. Noisy conduct is defined
16 as noise which can be heard continuously within an
17 enclosed structure off the property of the boarding
18 and training facility for more than 15 minutes and
19 which annoys, injures or endangers the safety, health,
20 comfort or the repose of others. In addition to the
21 foregoing specific limitations, no boarding or
22 training facility shall cause or create any act which
23 endangers public health or results in annoyance or
24 discomfort to the public, said act being defined as a

1 nuance under Title 7, Chapter 1 of this Village Code.

2 Subparagraph six, there shall be a limit on
3 the number of horses that any facility is allowed to
4 board such that: For all horses boarded in a pasture
5 for which there is no indoor stall, there shall not be
6 in excess of one boarded horse per lot acre. For all
7 horses boarded in a barn with supplemental nutrition,
8 there shall not be in excess of two boarded horses per
9 lot -- per zoning lot acre, without regard to those --
10 whether those acres also have pasture boarded horses.

11 Subparagraph seven, properties subject to
12 the provisions of this section 5-3-4(A)2 shall ensure
13 that traffic associated with the agricultural
14 operations is reasonable -- is reasonably minimized,
15 particularly at properties where access is from
16 private roads, and including -- and including at times
17 any events such as clinics and/or charitable events.

18 Subparagraph eight, properties subject to
19 the provisions of this section 5-3-4(A)2 shall provide
20 indoor toilets for use by employees, boarders, and
21 riders and shall not rely on outdoor portable toilets
22 for ordinary operations.

23 Subparagraph nine, properties subject to the
24 provisions of the section 5-3-4(A)2 shall comply with

1 the maximum floor area ratio requirements applicable
2 to single-family detached dwellings as specified in
3 section 5-5-10-1 herein.

4 The amendment, my amendments to -- I have
5 skipped over some of the deletions in the LeCompte --
6 some of my deletions in the LeCompte petition, but I
7 have also deleted paragraph B of his text amendment as
8 well as all of paragraph C under that same subsection.
9 The amendment continues to provide that paragraph D,
10 Home Occupation, is deleted. And then section
11 5-5-2(A) to be amended to add the following accessory
12 use: Breeding, boarding, and training of horses and
13 rider instruction, as regulated under 5-3-4(A)2.

14 As to the amendment, my intent was to
15 incorporate a number of different things, but
16 specifically to try to, first of all, not trying to
17 favor any specific applicant in this process. This is
18 not being designed to favor any one applicant or
19 anyone specific in this. What I tried to do in this
20 is to take the input we received, for example, the
21 requirement that the boarding facility be attached and
22 affiliated with a residential zoning lot would
23 prohibit the -- an outsider coming in and just
24 building a stable where it's not affiliated with a

1 local resident. None of the provisions of any of
2 those four text amendments had such a provision. So
3 this is required that the zoning -- that a boarding
4 operation, if you will, is affiliated with a resident
5 of this village. That was one.

6 We looked to address -- I looked to address
7 that we're not creating nuisances and noisy
8 operations, and I've tried to address safety issues
9 for everything from manure management to traffic, to
10 noise. There's a lot of things that you start to
11 think about. No one wants to see the porta-potties
12 sitting outside of a barn. There's a lot of things
13 that I considered here and it's designed to address
14 the safety of the village and the concerns that have
15 been raised here.

16 I've tried to address the density of horses
17 in compliance with best practices of what I've been
18 able to glean from both testimony that we've heard as
19 well as personal research into the matters.

20 MR. STIEPER: I'm sorry, Kurt, what
21 testimony did you hear? You said from testimony you
22 heard from whom?

23 MR. ANDERSON: Let's see, Tuesday night we
24 had testimony as to the number of horses per grazeable

1 acre.

2 MR. STIEPER: Was that from Dr. LeCompte?

3 MR. ANDERSON: No, that was not. That was
4 from a woman that stepped up, and I'm sorry, I don't
5 have her name.

6 MR. STIEPER: That's not testimony. See, we
7 can't consider that. That's not testimony.

8 MR. ANDERSON: Well, additionally, from the
9 research that we had over the years as well as --

10 MR. STIEPER: What research is that? Can I
11 see it, because I have no research.

12 CHAIRMAN FREEMAN: Are you talking about the
13 Equestrian Commission research or the remarks that --
14 I think you are talking about Mrs. Rousseau is the
15 one --

16 MR. ANDERSON: I was referring to her
17 comments at Tuesday night in response to your inquiry
18 actually, David, when you asked her what, based upon
19 her experience, what was her opinion as to the density
20 of horses that could be allowed per acre, and she said
21 between a half -- excuse me, one horse per either half
22 or full acre.

23 MR. STIEPER: So based upon Miss Rousseau's
24 single comment you are basing -- you are going to --

1 MR. ANDERSON: No, there was also -- I've
2 had the privilege --

3 MR. STIEPER: One of the problems I have,
4 Kurt, I'm not attacking you, but I got to tell you
5 something.

6 MR. ANDERSON: You are.

7 MR. STIEPER: No, I'm not. What I'm
8 attacking is the process here. We have nothing. We
9 are flying blind, folks. We have testimony which is
10 basically, you know, nice, passionate opening
11 statements by four applicants who have offered zero
12 evidence. Zero objective criteria for this board to
13 decide anything. They have offered no studies. They
14 have offered no expert testimonies. They offered no
15 land planner. They've offered nothing but what they
16 believe how it should be, and we are reacting to this.
17 We are -- this board has been furnished with nothing.
18 Nothing. And here we are amending an application,
19 which basically doesn't meet the minimum threshold of
20 what our ordinance requires.

21 Let me direct you to our ordinance and this
22 little thing that we have on the Village website. And
23 I think we should talk about first before we get into
24 this what this board is charged with doing, and it's

1 not simply reacting to a motion, not simply reacting
2 to subjective opinions of people.

3 Miss Rousseau is probably, I know she's
4 probably very qualified, all the rest. It's ashame we
5 don't use her as an expert. It's ashame we don't get
6 studies from her. It's ashame somebody didn't say,
7 hey, Miss Rousseau, be an expert, because you know
8 what, I believe she knows a heck of a lot of what
9 she's talking about, and I'd like to hear more from
10 her. But we've heard nothing. And these people on
11 this board are asked to decide whether to accept one
12 of these four applications or what your amendments may
13 be.

14 If we look at section -- our code and what
15 this board is charged with under the section of
16 amendments, we are charged with, under findings of
17 facts and recommendations of the Zoning Board of
18 Appeals, within a reasonable time after the close of
19 the hearing on a proposed amendment, the Zoning Board
20 of Appeals may make written findings of facts. And I
21 submit to everybody, what facts are we going to be
22 able to find, because I've heard none. I've heard
23 opinions.

24 We are running around here responding to

1 applications. Somebody said it would be an abdication
2 of our authority to set up a commission to do this
3 because we are elected or appointed officials of this
4 village government and we should do it.

5 So my question to this board is why did we
6 allow village residents and put that onus on them or
7 that burden on them to prepare applications to try to
8 tell us what our job should be.

9 MR. ANDERSON: David, I believe we actually
10 heard from a number of village residents who suggested
11 that they, in fact, do that. In fact, on Tuesday
12 night there was a woman who stepped up and testified
13 that we, as the zoning board, should appoint a panel
14 to put this together. And I challenge you if they
15 feel that they have that much input that they really
16 want to do, why haven't they done it. There is no
17 need for this board to appoint a group of citizens to
18 get together and fabricate some --

19 MR. STIEPER: Wait a minute, that's exactly
20 what I'm not asking for.

21 MR. ANDERSON: I understand you are not
22 asking for it but that's why we have not appointed
23 them, and I don't have the authority to appoint that
24 type of a committee. But what I have done is based

1 upon research that I have done --

2 MR. STIEPER: Can I have that research?

3 Would you share that with us? Why -- I mean, we have
4 nothing. What are we doing here?

5 MR. ANDERSON: Well, David, we've also been
6 addressing this issue since, as I've looked at the
7 materials provided by the village, we've been
8 addressing this issue and, in fact, we've had several
9 text amendments relating to this go up from this board
10 that have not been addressed by the trustees. We had
11 one that went up in September of '09, and then we had
12 the other one that went up, and so we've, we've had
13 great amounts of time and consideration put into this.
14 We've heard --

15 MR. STIEPER: Those were different boards,
16 and I believe those two amendments were special use.
17 So why are you switching gears --

18 MR. ANDERSON: One was not a special use.
19 One was actually a change in the definition of
20 agriculture. The '09 amendment was, in fact, a change
21 to suggest that boarding and breeding -- boarding and
22 training of horses fall under the definition of
23 agriculture.

24 MR. STIEPER: Where is all the information?

1 CHAIRMAN FREEMAN: Let me offer a
2 suggestion, David. What exact information are you
3 thinking would be helpful to you in your decision
4 process? Maybe if we get more tangible about it, we
5 can have a more productive discussion.

6 MR. STIEPER: This board should base it's
7 decision based upon objective criteria. Objective
8 criteria in the form of maybe we should consider,
9 maybe we should hire a land planner and really see
10 what the effect -- maybe we should get empirical data
11 as to what is the demand for horse boarding in
12 Barrington Hills. If we allow commercial boarding,
13 what impact is that going to have on those who have
14 smaller operations right now. What kind of -- what
15 type of real estate taxes are these large commercial
16 board operations paying. Are they getting an
17 agricultural exemption. And if, so that's fine. But
18 the question is then should this board be discussing
19 maybe we should have the power to limit the number of
20 large-scale commercial boardings because the incentive
21 will be now that it's legal, it could be people say
22 why should I own five acres. I'll own 20 acres.
23 Maybe I'll knock down the two houses next to me that
24 are in foreclosure, cobble up 20 acres, take the

1 exemption on the taxes, and we are shifting now the
2 burden onto the remaining residents of this village.
3 We haven't done any type of study with regard to that.
4 I want additional information we need.

5 The Chairman said, you know, we should and
6 she's correct, we should be studying what other major
7 commercial or not commercial, boarding operations or
8 boarding of horses are all over the country. I think
9 she said Macon, Georgia would be one. Great idea.
10 Gee, what have we done. I've got nothing. We haven't
11 discussed anything. Maybe we should even decide
12 what's going on around us like in Wayne, like in Bull
13 Valley. We've done nothing. No discussion. Nothing.

14 CHAIRMAN FREEMAN: So are you speaking about
15 an impact study, is that basically what you are
16 talking about?

17 MR. STIEPER: I'm talking about evidence.
18 I'm talking about something which meets the threshold
19 where at the end of the day, we have evidence and we
20 are able to backup why we want two horses per
21 grazeable acre or one horse per grazeable acre, if
22 that's even going to be the measurement.

23 I got to tell you something, I don't know a
24 damn thing about horses. I don't. And I'm sitting

1 here in all sincerity, and I've always said from day
2 one, I support commercial boarding under special
3 use -- under objective criteria consistent with R1
4 zoning. But I'm not going to sit here and for a
5 minute think that I'm going to pass any application
6 here, whether it be special use, whether it be tucking
7 it under a definition, whether it be whatever else. I
8 am not qualified at this point until we have evidence.
9 How can I be a judge on a case when nothing has been
10 presented except two applications from two parties who
11 are in litigation who have a vested interest in the
12 outcome of that litigation and the outcome of that
13 parcel. We have got a third application from an
14 organization, which doesn't even meet the threshold
15 under our code; and then we have another one which
16 basically is a rehab of the 2011, which is probably
17 entire record on which we haven't studied.

18 What we should be doing is if this is the
19 process we're going to do -- this process was never
20 approved. I'm somewhat disappointed that we never sat
21 down, and I said this from day one, process is
22 everything. At the end of the day, whatever comes out
23 of this board, whether it be special use, whether it
24 be agricultural, whether it be nothing, that at the

1 end of the day, I want -- the residents deserve to
2 feel there was a thorough, fair, balanced hearing,
3 that our decision was based upon objective criteria,
4 evidence, based upon as the number of things I've
5 stated. I'm sure there's much more. We are flying
6 and we are taking this off the hip. We are -- we -- I
7 mean, we're sitting here talking about amending an
8 application which we haven't even read. People are
9 talking about modifying the Home Occupation Act, and I
10 want to know how many people on this board even read
11 the Home Occupation Act. We haven't even read it out
12 loud to decide what we're doing.

13 UNIDENTIFIED SPEAKER: You got to vote for
14 it before you could read it.

15 MR. STIEPER: You know, my point is as
16 one -- I'm going to tell you right now, I'm not
17 qualified to do any of this. I haven't heard
18 anything.

19 MR. ANDERSON: I'm sorry you feel that way
20 but --

21 CHAIRMAN FREEMAN: Maybe I should just give
22 you a reaction to that. And I'm sorry that you're
23 uncomfortable, but I did want to understand what
24 information you were looking for. And if it's helpful

1 at all to any of the other members, I can explain why
2 I am comfortable, and then people can make their own
3 decisions.

4 People have been keeping and boarding horses
5 in this area since the 1930s. Until the recent court
6 decisions, there was a perception from the '30s all
7 the way through that date that the boarding of horses
8 in a very unrestricted fashion was completely
9 acceptable. So when I, in my experience in working
10 with governmental bodies, even outside of the Village,
11 impact studies are designed to measure and project the
12 impact of a change, and we're not proposing that this
13 would create a change to the circumstances that people
14 believe already exist here.

15 So when you think about traffic, if all the
16 people here already believe that boarding is
17 permissible without actually any of the nine
18 restrictions that are actually even listed here, then
19 there isn't anything to study. And that's why this
20 issue is a different issue than an impact study of at
21 least what I'm used to seeing building a school, for
22 instance, or changing boundary lines of districts.
23 You are making a change and you want to project the
24 impact of that change. This isn't changing anything,

1 so my comfort level is high.

2 In relation to the number of horses, in
3 particular, that issue has been studied. This is an
4 emotional issue. This is not -- the number of horses
5 is an emotional issue for people in this village. It
6 is not an evidence-based rationale issue. There are
7 effectively no limits today on how many horses someone
8 can put on their own property, whether boarded or
9 owned, and there is no abuse going on in the village.
10 But if people don't feel comfortable with that, I'm
11 perfectly happy to appeal to someone's perceived need
12 to put a limit on it.

13 But you don't, you're not going to find, and
14 I've looked at some places in Florida, places in
15 Colorado and places on the East Coast, you're not
16 going to find a methodology that fits this community,
17 that fits Texas, for instance, because the topography
18 is different. So I'm happy to put a limit on it, but
19 I wouldn't fool myself into thinking that a scientific
20 study is going to give me a better figure than what
21 we've already hashed out since 2009 in all the
22 previous hearings.

23 MR. STIEPER: Chairman Freeman, you
24 indicated since 1932 commercial boarding has been

1 going on in the village. I have a map here of 1940 of
2 Barrington Hills that has the original 73 families on
3 here. It has each parcel of land, all the rest.
4 Could you tell me who was engaging in commercial
5 boarding in 1940?

6 CHAIRMAN FREEMAN: You know, there was
7 actually a family who I spoke with, and I think they
8 were friends of the Springers, and they said that
9 their family boarded horses in the 1930s, not 1932,
10 but 1930s. Now, I met them at a gala, so I don't know
11 who they were.

12 MR. STIEPER: That rises to evidence? The
13 statement that you can board as many horses in this
14 village as you want, and boarding is defined as
15 stabling a horse for a fee, that's simply a
16 misstatement. You cannot. Right now that's what we
17 are doing.

18 CHAIRMAN FREEMAN: Exactly. Exactly.

19 MR. STIEPER: So your statement was we can
20 do that. No, we can't. And you know what,
21 Mr. Schuman is here. Mr. Schuman, maybe I have a few
22 questions of Mr. Schuman because one of the questions
23 I would like to ask Mr. Schuman -- Mr. Schuman?

24 CHAIRMAN FREEMAN: Oh, yeah, you know what,

1 Mr. Schuman is here, David, because you had asked him.

2 MR. STIEPER: I did.

3 CHAIRMAN FREEMAN: So he is here to answer
4 your questions, and let's do that because I told him
5 he didn't have to stay here all night.

6 Mr. Schuman, are you -- there he is. Thank
7 you.

8 MR. SCHUMAN: Don Schuman, the code
9 enforcement officer.

10 MR. STIEPER: Mr. Schuman, are you an
11 employee of the Village?

12 MR. SCHUMAN: My company subcontracts with
13 the Village. I am not an employee.

14 MR. STIEPER: Okay. So your company is on
15 contract with the Village. How many of your employees
16 of your company work at the Village on code
17 enforcement?

18 MR. SCHUMAN: We have, I would estimate, ten
19 various inspectors that will do inspections for the
20 Village.

21 MR. STIEPER: So there could be possibly ten
22 available at any given time?

23 MR. SCHUMAN: Yes, sir.

24 MR. STIEPER: How long have you been the

1 code enforcement officer for Barrington Hills, you,
2 personally?

3 MR. SCHUMAN: Approximately, eight years.

4 MR. STIEPER: During your eight-year period,
5 have any large-scale boarding operations, have any of
6 them been constructed in Barrington Hills?

7 MR. SCHUMAN: I'm not sure how -- I'm not
8 sure of the question.

9 MR. STIEPER: Well, large parcels, have any
10 of them ever constructed any types of large barns,
11 something which is not an accessory to the principal
12 residence as defined under the Home Occupation Act,
13 something larger than the residence?

14 MR. SCHUMAN: We have had large structures,
15 yes.

16 MR. STIEPER: Okay. And could you recall
17 offhand approximately how many?

18 MR. SCHUMAN: I'm sorry, at this time I
19 could only estimate. I could provide more detail --

20 MR. STIEPER: No, no, that's fine. Just
21 give me an approximation. I'm not holding you to a
22 specific number. I do have a point here, though.

23 MR. SCHUMAN: Well, it's a matter of what we
24 consider large also, but we have had numerous barns,

1 yes.

2 MR. STIEPER: I understand numerous barns,
3 but those barns which would be something beyond an
4 accessory to the principal residence. Those barns
5 which would be basically the primary structure?

6 MR. SCHUMAN: I can think of, since my
7 tenure here, I know of at least one.

8 MR. STIEPER: Okay. That one you recall, we
9 don't have to identify who it is, all the rest, but
10 what I'm getting at, when these people come in and
11 apply for construction permits, whether it be for a
12 riding center, a barn, large-scale barn, all the rest,
13 on our application does it identify whether they are
14 engaging in or intend to engage in any type of what
15 I'll call commercial boarding, and that would be
16 basically boarding of horses for a fee?

17 MR. SCHUMAN: The application does not ask
18 that information.

19 MR. STIEPER: Do any of these applicants
20 ever divulge to you that their intent, either by
21 putting up a large riding center or a large barn, that
22 their intent is whether -- either to stable their
23 private horses or to board horses for a fee?

24 MR. SCHUMAN: I have not had that

1 information given to me.

2 MR. STIEPER: That's not a question you ask,
3 right?

4 MR. SCHUMAN: That's correct.

5 MR. STIEPER: Is there an assumption that
6 you have that basically then these structures are
7 being done that people are basically boarding their
8 own horses or that they are boarding for a fee or just
9 simply isn't anything which the village code inspector
10 believes is pertinent?

11 MR. SCHUMAN: The Home Occupation Ordinance
12 does allow horse boarding. If it became a problem,
13 generally, I would receive a complaint and then I
14 would investigate.

15 MR. STIEPER: All right. So you are
16 familiar with the Home Occupation Ordinance. Does the
17 Home Occupation Ordinance, in your opinion, allow for
18 what I'll call unfettered commercial boarding, that
19 is, basically unlimited number of horses?

20 MR. SCHUMAN: The ordinance, as I recall,
21 does not delineate the number of horses that are
22 permitted.

23 MR. STIEPER: So under your interpretation,
24 it's possible then for somebody, you know, whether it

1 be 5-acre or 10-acre parcel, 20-acre parcel, to have
2 anywhere, any number of horses and operate in that
3 fashion for a fee as long as there's not a complaint,
4 and in your opinion that's Home Occupation compliant?

5 MR. SCHUMAN: I'm sorry, I don't know. I
6 can't anticipate what problems may arise.

7 MR. STIEPER: All right. Is the Village
8 proactive at all in going out and finding out whether
9 horses are being boarded for a fee or not or whether
10 somebody is Home Occupation compliant or not?

11 MR. SCHUMAN: I have not been asked to do a
12 study like that.

13 MR. STIEPER: Okay. As of today's date, do
14 you know approximately the number of barns or
15 operations which are, in your opinion, operating
16 outside of the Home Occupation Ordinance?

17 MR. SCHUMAN: I don't know of any.

18 MR. STIEPER: To your knowledge, has that
19 ever been a study that's been undertaken by this
20 Village?

21 MR. SCHUMAN: Not to my knowledge.

22 MR. STIEPER: Have you ever requested that
23 be done?

24 MR. SCHUMAN: I hesitate because I'm not

1 sure if I had asked that.

2 MR. STIEPER: Chairman, I know that you want
3 to let him go, right, so --

4 CHAIRMAN FREEMAN: If you have questions, if
5 you have questions for him, just please ask them so
6 that --

7 MR. STIEPER: Okay. Thank you.

8 Mr. Schuman, I'm having trouble turning my
9 neck here. Do you mind just stepping up a little
10 here. Does that create a problem? Does that create a
11 problem, Miss Court Reporter?

12 Mr. Schuman, there's four applications
13 before this board, which are proposed text amendments
14 for horse boarding in Barrington Hills. Have you,
15 yourself, had an opportunity to review any of these
16 text amendments?

17 MR. SCHUMAN: I have not.

18 MR. STIEPER: Has anybody come to you either
19 from the Village or this board and asked you to review
20 those text amendments?

21 MR. SCHUMAN: No, they have not.

22 MR. STIEPER: If I told you that two of
23 these text amendments basically take the supervision,
24 the control of these operations out of the hands of

1 the zoning board, that is to determine whether they
2 are, in simplistic terms, legal or not and shift that
3 burden onto you as the enforcement officer to not only
4 enforce but also to make a determination as to whether
5 they are legal or not based upon certain criteria, is
6 that something you, as an enforcement officer, would
7 be comfortable with doing?

8 MR. SCHUMAN: I believe, you know, my
9 position as an enforcement officer, so I do not
10 legislate nor do I make the judicial calls, but more
11 or less enforce whatever ordinances are provided.

12 MR. STIEPER: Correct. But the two
13 proposals here, in my interpretation, would take that
14 onus off of the Zoning Board of Appeals and shift that
15 onto you, as the enforcement officer, where you would
16 have to make the call based upon criteria in what
17 would be under an agricultural definition. Is that
18 something you, as an enforcement officer for this
19 village, is that something that you would believe
20 you're competent and comfortable doing?

21 MR. SCHUMAN: I believe that's a little
22 general. I would have to see the specifics.

23 MR. STIEPER: So you would like to see,
24 then, if what I'm saying is, in fact, the case, you

1 would like to take those ordinances and study them,
2 correct?

3 MR. SCHUMAN: I would be amenable to, yes,
4 reviewing and providing any enforcement questions.

5 MR. STIEPER: Then you would also like to
6 get back to this board with some feedback on that as
7 well, correct?

8 MR. SCHUMAN: If I were given that.

9 MR. STIEPER: We are going to expand your
10 job immensely if this happens.

11 MR. SCHUMAN: Yes, I would, in cooperation
12 with my employment.

13 MR. STIEPER: Let me ask you this question.
14 Besides yourself, who has been an enforcement officer
15 for eight years now, is there anyone else from your
16 company who has worked consistently for Barrington
17 Hills?

18 MR. SCHUMAN: Not in this capacity. The
19 gentlemen that do the inspections do not do the code
20 enforcement necessarily. They provide inspectional
21 services.

22 MR. STIEPER: How long have you been an
23 enforcement officer, in general, outside of Barrington
24 Hills?

1 MR. SCHUMAN: I worked in the City of
2 Des Plaines for 32 years for the fire department, and
3 approximately 13 of those years as fire prevention,
4 and that was code enforcement at that time.

5 MR. STIEPER: Okay. Now, would you agree
6 then in your experience that Barrington Hills is quite
7 unique from other communities?

8 MR. SCHUMAN: Yes, I would.

9 MR. STIEPER: As enforcement officer, that
10 Barrington Hills poses unique challenges?

11 MR. SCHUMAN: Yes, I would.

12 MR. STIEPER: And so that in this, you would
13 probably be then, from what I'm -- and I don't want to
14 put words into your mouth, if one of these proposals
15 were passed, would shift the onus on the enforcement
16 officer not only to enforce but to make the call of
17 legality, would it be fair to say that right now you
18 believe you would be the only one from your company
19 that would be qualified to do that, if you are,
20 yourself?

21 MR. SCHUMAN: I would say we do have some
22 other gentlemen that have had municipal experience, I
23 would consult with them also.

24 MR. STIEPER: Okay. Thank you. Just for

1 the record, you and I did meet, correct?

2 MR. SCHUMAN: That is correct.

3 MR. STIEPER: I was at the village hall, and
4 I was reviewing some files with regard to some
5 large-scale boarding operations, correct?

6 MR. SCHUMAN: That is correct.

7 MR. STIEPER: Okay. Thank you, Mr. Schuman.

8 CHAIRMAN FREEMAN: Does anyone else have a
9 question for Mr. Schuman? No? All right. Thank you
10 for coming this evening.

11 MR. SCHUMAN: Thank you.

12 CHAIRMAN FREEMAN: Mr. Anderson, did you
13 want to explain the changes you had suggested?

14 MR. ANDERSON: Certainly. Much of the, for
15 example, as we walk through this, a couple of things
16 that I want to point out. The idea here was to take
17 some of the best provisions of both -- other sections
18 of the code as well as provisions for operations and
19 things from some of the other text amendments.

20 Hours of operations, to some extent, those
21 hours came from the Drury text amendment. One of the
22 things I did realize is that as I went through this
23 and put regulations in place to regulate commercial
24 boarding, I was trying to take in comments made by the

1 community, as a whole, as to what their concerns were
2 as it relates to noise, as it relates to traffic, as
3 it relates to horse density.

4 During the testimony that we heard from the
5 people that came to the various hearings and made
6 their comments, I tried to find out what people's
7 opinions were as to what is reasonable density of
8 horses, and I did not get a good answer from anybody
9 in attendance as to what was reasonable, and so I
10 defaulted back to the, to some of the information
11 provided by the various White Papers that had been
12 submitted to the Village, both from the equestrian --
13 not both from, but from the Equestrian Commission.

14 I did look through and read carefully the
15 Home Occupation and tried to incorporate some of the
16 restrictions that are already contained in the Home
17 Occupation provision so that we can look at this.

18 I looked at the issues of size and making
19 sure that we are not overdeveloping property with
20 enormous barns. We require that they comply with the
21 floor area ratios of a residence. So the design here
22 was to try to garner the best that I could from what
23 already exists within the code.

24 Some of the nuisance language comes from

1 another provision in the code so that we're not
2 disturbing residents. So that if somebody has a small
3 boarding operation on five acres, they still have to
4 have the responsible handling of horses, manure, all
5 of those things.

6 I'm trying to find and make sure that people
7 are reasonable and responsible to this. As I looked
8 at some of the other text amendments, there were some
9 that seemed to be designed strictly to favor a
10 specific resident. Even Mr. LeCompte had a few
11 provisions that I felt may have been designed to favor
12 him for other reasons, for example, retroactive
13 provisions. I asked, you know, I struck that from my
14 amendments. I struck those provisions in my
15 amendment.

16 So the goal here was to try to address the
17 concerns of those that I'd heard within the village
18 and keep the safety of the village and the residents
19 of the village in mind as I put this together and
20 proposed these amendments.

21 The -- I will concede that it's hard to find
22 density provisions in areas similar to ours. I did
23 look at the Colorado -- one of the Colorado, a couple
24 of the Colorado ordinances that were easily pulled up

1 in Google. I looked at a number of other ones as
2 well.

3 The other reason I felt that incorporating
4 this into horse boarding and breeding into agriculture
5 is the State of Illinois regulates horse handling,
6 breeding, boarding under the Department of
7 Agriculture. This is an agricultural activity. You
8 know, Lou Flannery testified the other night that
9 originally her property had dairy cattle on the
10 property. Right now, you know, this doesn't go on to
11 and nor has our code ever regulated dairy farming or
12 cattle farming. Those are things that can go on now.
13 There are no restrictions on when somebody can harvest
14 their corn or beans. Mrs. Wamberg testified that she
15 had a number of acres in this village that were under
16 bean and corn.

17 What I tried to do was put, you know, for
18 example, the operation of equipment under a reasonable
19 time period. I'd hate to tell a farmer that they
20 can't, you know, if they have a couple horses boarded
21 on a property, I'd hate to tell them that they can't
22 cut hay until 9:00 o'clock in the morning. It just
23 doesn't work for me because I, you know, they are
24 farmers. They are agriculture people and they are

1 involved in those things.

2 So you have to have a balancing act to some
3 degree, and I tried to keep it at a reasonable level
4 with the best interests of the community as a whole
5 incorporated into these changes.

6 So those are kind of my general, my general
7 goals of these amendments or the changes to
8 Mr. LeCompte's text amendment.

9 I looked at trying to amend some of the
10 others, and I just felt that this was an easier one to
11 work from rather than as a favor, if you will or
12 otherwise.

13 I think one of the things I would have to,
14 before we proceed, I think we need to ask whether or
15 not Mr. LeCompte would agree to the amendments that
16 I'm proposing or is it his intention to withdraw his
17 proposed text amendment in light of these proposed
18 amendments to it.

19 CHAIRMAN FREEMAN: I don't know procedurally
20 if that's even relevant right now but.

21 MS. DICKSON: Well, it might not be relevant
22 now. I suppose it depends on if you get approval on
23 and then if you get an approval, then it would be
24 appropriate.

1 CHAIRMAN FREEMAN: Right. Okay. Okay.
2 That makes sense. There are probably -- there are
3 likely, Kurt, then, maybe questions or discussions
4 people want to have, and I don't know where people
5 would like to start so.

6 MR. STIEPER: I would like to start from the
7 process here on the LeCompte application, and when
8 LeCompte presented his application, I have the
9 transcript here, and we would all agree this was a
10 hearing. We would all agree that that was a hearing,
11 correct? And the hearing we had, the public sworn in,
12 correct? Mr. Kosin, correct?

13 MR. KOSIN: Yes. Yes.

14 MR. STIEPER: Then the public were sworn in
15 for one purpose. It wasn't public comment. They
16 would be acting as their testimony, in essence, I
17 guess, witnesses; would that be correct, Mr. Kosin?
18 Or ask the attorney. I've got a point here.

19 MS. DICKSON: Everyone who has testified at
20 the public hearings on all four of the text amendments
21 have been placed under oath, yes.

22 MR. STIEPER: The purpose of placing them
23 under oath was they were giving testimony.

24 MS. DICKSON: Testimony, correct.

1 MR. STIEPER: You would agree that giving
2 testimony then would give this board a right if they
3 chose to examine those witnesses, correct, and their
4 testimony?

5 MS. DICKSON: Yes.

6 MR. STIEPER: So my question is, when the
7 LeCompte application was presented, the instruction by
8 this board, the Chair, and I'll read it,
9 quote/unquote, in the LeCompte presentation, from the
10 record -- and by the way, there were no questions
11 anybody in the public, did anybody notice that in the
12 LeCompte application, because we were given an
13 admonition by the Chair.

14 " There are some rules here. If you are
15 going to make comments, please address them to our
16 board as a whole. Don't address them to anyone else
17 in the audience and don't address them to any of us as
18 individuals. We also can't engage in conversation. I
19 know sometimes it's productive at meetings for us to
20 have a two-day dialogue with members of the community.
21 That's not the foremost for this evening, so we will
22 not be asking you questions, and we won't be offering
23 answers if you have a question. It's just not allowed
24 as part of the hearing format."

1 So you told me these people were sworn under
2 oath. So nobody asked questions because we were
3 barred from asking questions.

4 MS. DICKSON: No, I don't believe that's
5 true. I believe there were some questions asked, and
6 in all of the hearings, there were questions asked.
7 The only, if I remember that hearing correctly, the
8 only time, and I believe that it was that hearing that
9 I think I specified that the questions that should be
10 asked or would be appropriate and relevant during the
11 public hearing were those relevant specifically to the
12 text amendment at issue. And I think it at one point
13 in time, and I don't have the transcript in front of
14 me, but the questions went a little farther afield
15 than what was being proposed as a text amendment.

16 MR. STIEPER: Counsel, I will get to that,
17 but you -- there was nothing stated by you. The only
18 admonition this board got when the audience was sworn
19 in is that we could not have dialogue with them. We
20 did not ask questions.

21 MS. DICKSON: And I --

22 MR. STIEPER: I've got the transcript here.
23 There was nothing stated by you. There was nothing to
24 correct that we couldn't ask these people questions.

1 So you notice at the last meeting when
2 people asked questions, I asked questions. I had
3 inquiry. I didn't because I was told I couldn't. So
4 how was that a fair process. How was that a hearing.
5 Because that's the admonition we got.

6 Now, I'll go to the second prong, which
7 you're getting to, and that's my questions of
8 Mr. LeCompte. The questions were, "Who on this board
9 have you talked to with regard to this text
10 amendment?" You had objected to that, counsel. You'd
11 indicated that was too far fetched. There was some
12 dialogue. Okay. But then I, but then it says:

13 "Mr. Stieper, again, the question has to
14 relate to the text that's proposed. It's a text
15 amendment. I appreciate your comments."

16 I indicated: "There's questions of
17 conflicts of interest." The next, and this is on page
18 62.

19 "Chairman Freeman: All right, guys, we are
20 excusing Mr. LeCompte. Are you done making remarks?"

21 "Mr. LeCompte: I am done. I'm just trying
22 to answer."

23 "I'm closing this hearing. We'll open the
24 next hearing."

1 I stated: "I haven't finished my
2 questions."

3 "Miss Freeman: I don't care."

4 I stated: "I have more questions for
5 Mr. LeCompte."

6 "Chairman Freeman: You know, you can ask
7 them in the public meeting section, but not in the
8 public hearing section."

9 Now, tell me how this would ever survive
10 judicial scrutiny when you have a public hearing, you
11 swear people in, Mr. Anderson saying he's taking that
12 as testimony?

13 MS. DICKSON: Well --

14 MR. STIEPER: When we didn't have a right to
15 examine or ask questions by instruction of the Chair,
16 and then further during an -- questioning of an
17 applicant, you may not have liked my questions, my
18 questions may have been improper, my questions may
19 have been insulting, but it's a legislative process.
20 Hold on. It's a legislative process. I have a right,
21 like everybody else on this board, to ask them.
22 Mr. LeCompte certainly has a right to refuse to ask
23 them. You certainly have a right to come and say,
24 Mr. Stieper, I think it's out of bounds. But there is

1 no legal right to stop it, to allow a legislative
2 person to not have the right to do a full examination.
3 It's an abomination.

4 And so for us to even consider this
5 application based upon this process, which is in the
6 transcript, is simply -- it is futile. It will be
7 turned over in a nanosecond in court. It is
8 reversible error.

9 MS. DICKSON: May I respond to you, Madame
10 Chairman?

11 CHAIRMAN FREEMAN: Please. Go ahead.

12 MS. DICKSON: I would invite you then, sir,
13 just to read the Supreme Court decision in Klaeren
14 versus the Village of Lisle. Cross-examination is
15 allowed, you are right, but at that moment in time,
16 your cross-examination appeared to be, and it was only
17 my -- I don't think it was actually just my opinion,
18 it appeared as if, and it may just be the way you ask
19 your questions, but it appeared as if it was becoming
20 abusive and not relevant. The Supreme Court stated
21 cross-examination is not unfettered, it can be limited
22 so that it is appropriate and it contributes to the
23 fact-finding process. It has to be relevant and it
24 has to be reasonable. And I'm sorry that you were

1 offended by that. That was never my intent, but at
2 the time I think the nature of the questions were not
3 relevant to the proceeding. And if it goes to court,
4 a judge may choose to say that I was wrong. That
5 happens every day. You are an attorney, you know that
6 that happens, but I think that in a process where you
7 have residents of a community coming out, there is a
8 certain -- there's certain respect that's due people
9 who put themselves forward as witnesses at hearing;
10 and at that moment in time, I supported the Chairman.
11 Whether it was correct or not to excuse Mr. LeCompte
12 is one thing, but I don't think it was inappropriate
13 to suggest to you that your questioning was going
14 beyond bounds of what was reasonable or appropriate.

15 MR. STIEPER: Counsel, I appreciate that,
16 and I understand that, but I said I had additional
17 inquiry, and I was told I couldn't do it. So we went
18 off the conflicts issue. I understood your
19 admonition, all the rest, but I clearly stated, it's
20 on the record, but I have further questions. Outside
21 of that category, which I was prepared to abandon
22 based upon what you stated and that witness was pulled
23 away from me, and I couldn't do any further inquiry.
24 So how is that a fully-vetted legislative process?

1 It's clear in the record.

2 MS. DICKSON: And if you have a concern, I'm
3 sure you'll bring that in court, but I think that the
4 court, in looking at the colloquy that was going on at
5 the time, would agree that there is an appropriate
6 limit to cross-examination, and it will be up to a
7 court to decide whether that limit was properly
8 reached at that time.

9 MR. STIEPER: By the way, the Klaeren
10 decision dealt with special use in a quasi judicial
11 proceeding. This is a legislative function,
12 therefore --

13 MS. DICKSON: I agree.

14 MR. STIEPER: -- you know, Klaeren has its
15 limitations to this.

16 MS. DICKSON: But as it pertains to
17 cross-examination of witnesses and the ability of
18 those present to ask questions, I think it does apply.
19 But again, I'm not wearing a black robe tonight and
20 we'll see what happens if it goes up before the court.

21 MR. STIEPER: Well, putting the court aside,
22 I'm saying to this board. I'm saying to this board,
23 putting the court aside, because nobody wants to run
24 to court, and listen, the point here is we were given

1 instruction. We could not examine a public who was
2 sworn under oath, who came before us with whatever
3 statements, comments they have. That was the
4 admonition to us, point number one. It's clear there
5 was nothing stated by you to the contrary, and there
6 it was very clear by Chairman Freeman we couldn't, and
7 the record supports there were no questions asked by
8 this board. Nothing.

9 MR. ANDERSON: Actually, I object to that
10 because I, in fact, asked questions of these people.
11 I believed at the time of the admonition that it was
12 directed at the audience that they were not to engage
13 in a dialogue or the person testifying that they
14 weren't authorized to engage in dialogue with those
15 behind them.

16 CHAIRMAN FREEMAN: Let me clarify, David.
17 The comments that I make at the beginning of a public
18 hearing are in the context of informing the public of
19 the purpose of the hearing. And we follow
20 parliamentary procedure. So the construct of
21 parliamentary procedure is that the purpose of the
22 hearing is for the public to speak to the governing
23 body. And so in that context, they should not expect
24 to have a dialogue with us. And this is -- has been a

1 point of confusion in previous public hearings. So
2 the purpose of putting that out there at the beginning
3 of each public hearing is so people don't walk away
4 disappointed that they couldn't ask us questions and
5 we couldn't engage with them then in asking them
6 questions and having a dialogue together. They should
7 not expect to be able to ask us questions and then
8 have a dialogue.

9 MR. STIEPER: Page 4 of the transcript it
10 says, "that's not the format for this evening, so we
11 will not be asking you questions and we won't be
12 offering answers if you have a question."

13 So to me that says we will not be offering
14 questions and nor will you be allowed to have
15 questions. It's just not allowed as part of the
16 hearing format. It couldn't be more clear. We were
17 barred from asking questions.

18 CHAIRMAN FREEMAN: Well, David, you clearly
19 asked questions, so what is your point?

20 MR. STIEPER: No, I didn't ask questions at
21 the LeCompte meeting. I didn't ask one question. No,
22 I did not. The only inquiry I made was with the
23 public was at the last meeting because that admonition
24 wasn't given. I've got the transcript, Kurt. I don't

1 know what's so funny. There's not one question to me
2 that any public on any comment they made because I
3 followed the admonition of the Chair, which indicated
4 questions were not allowed.

5 CHAIRMAN FREEMAN: All right.

6 MR. STIEPER: This may be a joke to you.
7 This is a serious legislative process. There's a lot
8 at risk in this village.

9 MR. ANDERSON: I agree it is, and I agree
10 with you that it is very serious, but for you to sit
11 there and say that you did not ask questions of
12 Mr. LeCompte is a complete misstatement.

13 MR. STIEPER: We are looking to overhaul the
14 entire code to place commercial boarding, a commercial
15 enterprise, large-scale, next to residential area in
16 an R1 district, and you want to sit, smile, and laugh
17 about it.

18 CHAIRMAN FREEMAN: All right. We were
19 attempting to allow members of the board to talk to
20 Mr. Anderson about some of the wording changes that he
21 had suggested. Do people have questions for
22 Mr. Anderson about these changes?

23 MS. ROSENE: I do not.

24 CHAIRMAN FREEMAN: Mr. Chambers, do you have

1 some questions? Do you want to talk about why some of
2 these things are here or --

3 MR. CHAMBERS: Is this setting up a separate
4 zoning amendment for agriculture, for horse boarding
5 to go into agricultural zoning and out of R1?

6 MR. ANDERSON: No, it is not. This, it
7 still resides as part of R1, and in fact, it is
8 effectively an accessory use to R1 because it's
9 required to be linked to a residence that it would be
10 the -- and that is the intention here. So it's not a
11 separate zoning category. It continues to reside in
12 R1, just as our agricultural code currently resides in
13 R1 and is permitted within R1. So that's the only
14 difference here, and in fact, breeding, boarding, and
15 training of horses would be allowed under the
16 definition of agricultural activities.

17 CHAIRMAN FREEMAN: You know, just for a
18 point of reference, Mr. Kosin, if at any time like
19 someone says something, because I know there's a lot
20 of terms being floated around, if we make an error,
21 will you just correct us? Okay. Thank you.

22 MR. ANDERSON: I'm sorry. The intention
23 here is not to create, and it does not create a new
24 zoning district or change the zoning of the property.

1 It continues to be part of R1. It is just what is
2 currently allowed in R1 and clarifies the definition
3 of what is agriculture, and includes, includes
4 breeding, boarding, and training of horses and rider
5 instruction in that.

6 If we think about it, it's currently allowed
7 under the Home Occupation provisions as well, it's
8 just at what scale. And there is no, under this
9 scenario, there's no bright line as to when you move
10 from Home Occupation to, quote/unquote, you know,
11 agricultural. It pulls it all in under agriculture.
12 So somebody is boarding one horse in their backyard or
13 10 horses or 20 horses in a much larger facility, it's
14 all being regulated under the same fashion. And in
15 fact, all of these regulations, the nine different
16 points of regulation that are proposed in here,
17 regulate all of those. So the idea here is that
18 everybody kind of knows what they are allowed to do,
19 whether they are the small operator or not.

20 Again, if you look at safety issues,
21 nuisance issues, lighting issues, those are all
22 designed to fall under and be addressed here.

23 MR. STIEPER: Just for the newer members of
24 our board or those not versed in our code for the

1 audience, agriculture is a definition under our
2 village code as defined as a permitted use. Right now
3 our agriculture, and it's not a district, we don't
4 have -- we have a zoning map which is approved every
5 year, and that zoning map that consists in Barrington
6 Hills consists basically of R1 through R4 zoning,
7 which is residential, and then has in specific areas
8 which are zoned light industrial business. Right now
9 we don't have anything on our zoning map which says
10 agricultural districts.

11 My question to you, Mr. Anderson, are you
12 aware of any municipality, village, city that takes
13 boarding of horses and tucks it under an agricultural
14 district?

15 MS. DICKSON: That's not an agricultural
16 district.

17 MR. STIEPER: I'm sorry, agricultural
18 definition?

19 MR. ANDERSON: Off the top of my head, I
20 have not researched and reviewed every single zoning
21 provision within the State of Illinois, so I can't say
22 yes or no on that.

23 MR. STIEPER: Well, I have. I have. And I
24 will tell you, you will not find anywhere where

1 anybody has tucked commercial horse boarding, horse
2 boarding for a fee, under the definition of
3 agricultural. You'll find it, you'll find it under
4 areas which on their zoning map have agricultural
5 districts, and I'll use one in particular. We can all
6 agree Lexington, Kentucky, pretty big horse area,
7 right, Macon, George. Chairman Freeman did.
8 Lexington, Kentucky, their ordinance says, has R1
9 through R6, one horse, 3.5 acres; two horses, 5 acres.
10 Stringent. Now, you go outside to their agricultural
11 districts on their zoning map, well, their
12 agricultural districts they have got huge farms, large
13 farms, and I will submit, yeah, they are pretty much
14 unregulated, but there ain't anything around them,
15 certainly not any residences. You will find nowhere
16 where you have taken a definition and you tuck
17 large-scale business anything. It would be madness.
18 And it certainly wouldn't be compatible with anything
19 we would call residential in this village.

20 If we want to go down this road of
21 agriculture and do it, then I think first what we
22 should do is redo our zoning map, and we should
23 articulate, like we have with business districts and
24 articulate where we want agricultural districts. And

1 then when we have those agricultural areas figured
2 out, then we can figure out an agricultural boarding
3 ordinance. But right now we are putting the
4 proverbial cart before the horse. Our agricultural
5 definition states, and it's a definition, it's a
6 permitted use, the use of land for agricultural
7 purposes, including farming, dairying, pasturage,
8 apiculture, horticulture -- it's pretty dark up here
9 that's why I'm having trouble -- floriculture
10 viticulture, and animal and poultry husbandry, that's
11 sex, including the breeding and raising of the horses
12 as an occupation and the necessary accessory uses for
13 handling or storing the produce provided; however,
14 that the operation of any such accessory use shall be
15 secondary to that of the normal agricultural
16 activities.

17 What two of these applications are
18 attempting to do is slip in horse boarding, commercial
19 boarding under agricultural definition. Now, I submit
20 if you go to our code and you go under special use,
21 you want to put a pond in your yard, you got to come
22 before this board. How would you like a boathouse on
23 your pond, you got to come before this board. Would
24 you like to put an antenna, a radio hobbyist, you want

1 to put an antenna for ham radio, you got to come
2 before this board, get a special use permit.

3 Special use permits, by the way, don't have
4 to be for a year. They can be as long as the owner
5 owns the land. As a matter of fact, they can run with
6 the land. But if we are going to require residents to
7 come here for a pond to get permission from this
8 board, but we are not going to with regard to
9 commercial enterprise, large commercial enterprise
10 tucked into R1 zoning without any Village oversight
11 except some objective criteria under a definition of
12 agricultural, folks, this is madness.

13 CHAIRMAN FREEMAN: I just want to make sure
14 I clarify, actually the breeding of horses is a
15 commercial enterprise. It isn't agriculture. So I
16 just want to make sure you understand breeding, as an
17 occupation, is actually a fairly active activity in
18 our village.

19 MR. STIEPER: So you think breeding anywhere
20 comparable to our boarding of horses for a fee?

21 CHAIRMAN FREEMAN: The point, David, is that
22 when you breed horses as an occupation, you actually
23 tend to board the horses well because people are
24 bringing the horse to you. So I just want to make

1 sure that when you look at boarding as being like the
2 only horse activity, breeding is already here.

3 MR. STIEPER: It's animal husbandry. I
4 understand that. But that would be for breeding
5 purposes. There's probably not that much going on
6 around here, probably seasonal, too. I don't know.
7 The point is, are you telling me, are you telling me
8 that boarding of horses and animal husbandry with
9 relating to horse boarding the numbers are comparable
10 or even close?

11 CHAIRMAN FREEMAN: No, what I'm trying to
12 explain is --

13 MR. STIEPER: Maybe that's part of our study
14 we should do. I want to know how many horses are
15 boarded having sex versus how many are boarded for a
16 fee to ride. See, we don't even have those numbers.

17 CHAIRMAN FREEMAN: I'll put that on my list
18 of studies. Dick, I cut in on you, so go ahead. Do
19 you have more questions for Kurt, though?

20 MR. CHAMBERS: No.

21 CHAIRMAN FREEMAN: Dan, what about you?

22 MR. WOLFGRAM: Yeah, two issues. One, if we
23 were to do studies on this, one area that definitely
24 needs to be investigated from an economic standpoint

1 if you were to make a change, what's the impact to the
2 Village as far as expenses are concerned and for
3 possible loss of tax revenue? That's a very important
4 issue and it's not something that you could pull those
5 numbers out of the air.

6 And the other thing, I don't, I don't have
7 an understanding on this, and the issue has been
8 brought up in several of the meetings that I've
9 attended, two of them on the board and a couple prior
10 when -- and today Dede Wamberg brought it up, the
11 issue on why, you know, questioning whether or not the
12 Zoning Board should be addressing this issue if
13 there's ongoing legal issue that's not resolved. And
14 that's been brought up in at least three or four
15 meetings that I've been at and there's never been an
16 answer to that, and I was wondering if I could get an
17 answer.

18 CHAIRMAN FREEMAN: Do you have a comment
19 that you want to make?

20 MS. DICKSON: The Illinois law makes clear
21 that notwithstanding pending litigation, even if that
22 litigation is pertinent to the issue before the board,
23 the municipality can enact any amendments to the
24 zoning law as it chooses to. Whether those enactments

1 would be applicable to pending litigation is a matter
2 for the court. But you are not legally prohibited
3 from doing so. It's whether you choose to, you know,
4 choose to do so is more the point.

5 CHAIRMAN FREEMAN: My recall from the
6 testimony back in May when that, I think that issue
7 was raised back in May at one of our meetings, it was
8 not a public hearing, and one of the people who spoke
9 at the meeting explained that there is pending
10 litigation, but the difficulty is if we don't do
11 anything and the litigation -- and there are cases in
12 point that they raised in the city of Chicago that if
13 we don't do anything, that litigation could go on for
14 three years, five years, eight years, and in the
15 meantime, there are people who live in this village
16 and pay taxes here and operate a boarding facility who
17 have no rules of operation. So we are putting those
18 people in limbo if we sit on our hands and wait for
19 this to mature. So that's why we had asked about what
20 our, what the bounds of our activities are and then we
21 were told that yes, of course, we have the ability to
22 go in and change something. Whether we do that is up
23 to us.

24 MR. STIEPER: Of course the difference in

1 those cases you cite is the case with Barry LeCompte
2 had allegations of political corruption following
3 three of our trustees who will ultimately vote on
4 anything coming from this board.

5 UNIDENTIFIED SPEAKER: Can you speak up.

6 MR. STIEPER: Yeah, the difference in the
7 cases with regard to, you know, the Chicago cases
8 where things are legislated while, you know, there's a
9 lawsuit pending, we have a unique situation here. We
10 have a complaint that's filed in the court which
11 basically alleges political corruption by three
12 trustees, who will be voting on this, anything coming
13 out of this board. So that's the difference. The
14 question is will they conflict themselves out. I hope
15 they do.

16 CHAIRMAN FREEMAN: You had a question about
17 taxes, and we did talk about taxes earlier in this
18 process, and we actually talked about it back in 2010
19 when we went through this before. So do you want to
20 just repeat your question because I do have some
21 information that might be helpful.

22 MR. WOLFGRAM: If there is information
23 available concerning the tax impact of making a change
24 such as this, I'd like to see it.

1 CHAIRMAN FREEMAN: Okay. The tax process
2 has the county assessor, they don't care if we call
3 something home occupation, agriculture, it's R1.
4 That's a parallel system to our zoning system.
5 There's a tax code and zoning code and they each have
6 their own sets of definitions. So if we change
7 something, it doesn't -- tell me if I've got this
8 wrong because we talked about it several times, and I
9 actually have some pretty decent history on this with
10 dealing with the school district because there's a lot
11 of -- they take most of our taxes so. So they don't
12 care how we zone a property. What they care is how
13 they decide how the property is used and whether you
14 meet the assessor's definition of an activity. We can
15 do whatever we want and it has no impact on what they
16 think because they don't care what we think.

17 MR. BENKENDORF: That's true in all four
18 counties.

19 CHAIRMAN FREEMAN: Right. I don't know if
20 that's helpful or not.

21 MR. WOLFGRAM: That's helpful, yeah.

22 CHAIRMAN FREEMAN: Mr. Stieper, do you have
23 some questions at all on this that you haven't asked?

24 MR. STIEPER: I haven't begun to ask

1 questions on that.

2 CHAIRMAN FREEMAN: Okay. Okay. Well, then
3 can we give Mr. Benkendorf an opportunity and maybe
4 we'll come back to you. I just want to share the
5 floor.

6 MR. STIEPER: Absolutely.

7 CHAIRMAN FREEMAN: All right. Clark, do you
8 have some questions on this?

9 MR. BENKENDORF: Mine are probably
10 relatively straightforward. Kurt, you didn't exclude
11 livery, per se, in here. I think we had talked about
12 that. Some residents had spoke about that in prior
13 meetings.

14 MR. ANDERSON: Actually, the exclusion of
15 kind of what we commonly know as livery would be in
16 the definitional section. This definition of
17 agriculture shall not be construed as encompassing or
18 extending to daily or hourly unsupervised run with
19 horses. That was intended to so someone is not going
20 to, you know, stop by my facility and grab a horse and
21 go riding in the forest preserve. That's kind of the
22 idea there is to restrict that.

23 Livery, if you look at the actual definition
24 of livery, it would actually encompass much more than

1 what you think.

2 MR. BENKENDORF: In regulations of hours of
3 operation --

4 MR. ANDERSON: Yes.

5 MR. BENKENDORF: -- to me, I'm wondering
6 rather than talking about employees not residing on
7 the property, that kind of thing, to look at it from a
8 perspective of, you know, persons resident on property
9 can conduct certain activities during certain hours
10 and nonresidents as opposed to having separate
11 definitions of people residing on the property,
12 employees non-residing on the property, boarders and
13 riders receiving instruction. There might just be a
14 simpler way to word things.

15 MR. ANDERSON: I kind of thought about that
16 and a couple of things to think about is because these
17 are going to be on the residential property, right, or
18 an adjoining zoning lots. By restricting the owner's
19 access or ability to move about the property or to run
20 equipment on their property and things, it becomes
21 rather onerous. So the thought here was to restrict
22 outsiders from coming in, that if they don't reside on
23 the property. I don't, you know, the other -- one of
24 the other things, too, was I think if I recall a

1 couple of the restrictions -- a couple of the other
2 text amendments had later hours of operation, and over
3 the last several years -- I used to run before my back
4 went out, and I would be running at 6:00 o'clock in
5 the morning and going past a number of private
6 residences, and they would have outside mucking crews
7 out there cleaning stalls, and you could hear them and
8 see them and doing all of those things, and that would
9 be at 5:30, 6:30 in the morning. And I thought that,
10 you know, by restricting their access and letting them
11 start at about 7:00 o'clock, allows those that are
12 sleeping a little bit later to have some quiet
13 enjoyment, at least before they start moving around
14 with the tractors.

15 MR. BENKENDORF: Okay.

16 MR. ANDERSON: If you're -- those I guess
17 could be changed as people felt appropriate but that
18 was my reasoning behind where I came in.

19 MR. CHAMBERS: Well, then given by what you
20 just said, you say employees not residing on the
21 property from 6:00 a.m. to 9:00 p.m., you wouldn't
22 want -- you'd want to change that from 6:00 a.m. to a
23 later time.

24 MR. ANDERSON: Well, I'm just kind of

1 thinking through the -- I don't want them operating
2 equipment until after 7:00 o'clock. But yes, they
3 could come onto the property as employees if they are
4 going to start, you know, whether grooming horses,
5 doing paperwork, what have you, that those folks could
6 come onto the property and get kind of stuff set up
7 before a boarder or otherwise came in because
8 sometimes you get an extra person or two into a barn
9 and they start tripping over each other.

10 MR. BENKENDORF: That's it for now.

11 CHAIRMAN FREEMAN: Mr. Stieper, do you have
12 more questions?

13 MR. STIEPER: I've got questions.
14 Mr. Anderson, is it fair to say that the document I'm
15 looking at, the red would be all your changes?

16 UNIDENTIFIED SPEAKER: Can't hear you.

17 MR. STIEPER: Can you hear me now? Would it
18 be fair to say that the document, the black print
19 would be LeCompte's application, his language, and the
20 red would be your requested changes?

21 MR. ANDERSON: No, it's probably not fair to
22 say that. For example, well -- first, let me say that
23 I'm not an expert in Word, and so as I was using the
24 redlining version. I couldn't figure out how to

1 strike through language that Mr. LeCompte had struck.
2 For example, just using the simple one, the Home
3 Occupation. You'll note that it's deleted in red. If
4 you were to compare that against Mr. LeCompte's
5 petition, it, too, was deleted. It's just a little --
6 I wish it was -- I wish I was better with Word but
7 that's kind of my weakness.

8 MR. STIEPER: So if I look on the first
9 page, with regard to your -- you know, I've read
10 LeCompte's application.

11 MR. ANDERSON: Certainly.

12 MR. STIEPER: I think I'm somewhat familiar
13 with it, but now I'm handed this thing which has red
14 on the first page, which would be almost an entire
15 paragraph. Would it be fair to say the red on the
16 first page, those would be all your requested changes?

17 MR. ANDERSON: Hold on a moment. Let me
18 open my copy of LeCompte's and we can walk through it
19 together. Okay. First page, yes, those are
20 generally -- yes, those would be predominately my
21 changes, that's correct.

22 MR. STIEPER: The first page, everything in
23 red is your changes. Second page?

24 MR. ANDERSON: Yes, the second page appears

1 to be all my modifications, yes.

2 MR. STIEPER: So basically that would be
3 almost the entire page, with the exception of maybe
4 eight sentences?

5 MR. ANDERSON: That's fair, yes.

6 MR. STIEPER: Okay. Third page, everything
7 in red, would that be --

8 MR. ANDERSON: Hold on a moment.

9 MR. STIEPER: -- new language offered by
10 you?

11 MR. ANDERSON: Let's see. Let's walk
12 through paragraphs. A, sub three, all barns shall
13 be -- shall have an animal waste management protocol
14 consistent with published -- that was Mr. LeCompte's
15 language.

16 MR. STIEPER: I'm on page 3.

17 MR. ANDERSON: Go back up a page. My
18 pagination doesn't match specifically with his. So as
19 you insert paragraphs, there's some shifts. So if we
20 start and you'll note --

21 MR. STIEPER: I'm starting at lighting for
22 barns at the top.

23 MR. ANDERSON: Okay.

24 MR. STIEPER: Maybe that's easier to do.

1 MR. ANDERSON: Which is number four.

2 MR. STIEPER: Everything in red, that would
3 be your language?

4 MR. ANDERSON: That's correct.

5 MR. STIEPER: Roman numeral V, which is all
6 red, would that be your language?

7 MR. ANDERSON: Yes, that is my language in
8 that there was a lot of -- if you were to read through
9 his paragraph five, it starts, well, no one wants
10 excess traffic and noise that would --

11 MR. STIEPER: Right. I see that.

12 MR. ANDERSON: I didn't think that was
13 appropriate language to leave in, and I tried to
14 address --

15 MR. STIEPER: We'll get to that. I just
16 want to get, I just want to understand. Now, the next
17 page I start with red shall only apply?

18 MR. ANDERSON: Let's, okay, let's, paragraph
19 Roman numeral VI, there shall be a limit, that is all
20 one, two -- and subparagraphs one and two of that are
21 all Mr. LeCompte's. The deletion of subparagraph
22 three of subsection six is my deletion.

23 MR. STIEPER: Roman numeral VII, that would
24 be your language?

1 MR. ANDERSON: That is my language.

2 MR. STIEPER: Roman numeral VIII, that would
3 be your language?

4 MR. ANDERSON: That's correct.

5 MR. STIEPER: Roman numeral IX, that would
6 be your language?

7 MR. ANDERSON: That's correct.

8 MR. STIEPER: Then you have compliance,
9 which looks like it's entirely stricken?

10 MR. ANDERSON: That is correct.

11 MR. STIEPER: Then we move on to the last
12 page which I have, which is part of compliance, which
13 is all stricken?

14 MR. ANDERSON: That's correct.

15 MR. STIEPER: Then you have the Home
16 Occupation Ordinance, which looks like it's stricken?

17 MR. ANDERSON: It's stricken there, but that
18 was also stricken in Mr. LeCompte's.

19 MR. STIEPER: So is it your intent then --

20 MR. ANDERSON: There's also my addition at
21 the bottom relating to in pulling this into the
22 definition of accessory use at the bottom.

23 MR. STIEPER: Okay. Now, obviously you are
24 at a great advantage, you wrote this, you did this.

1 We are at a great disadvantage. We got this at the
2 eleventh hour, and we are asked to, hopefully not,
3 decide tonight on whether this is even going to be
4 close to be acceptable. This is a lot of language,
5 would require a lot of study, just the language,
6 itself. But anyway, are you, in going through this,
7 Home Occupation is struck -- is stricken?

8 MR. ANDERSON: Correct.

9 MR. STIEPER: Is it under your design here
10 basically to redact the Home Occupation Ordinance,
11 strike it out of our code?

12 MR. ANDERSON: No, only that portion
13 relating to horse boarding is redacted from.

14 MR. STIEPER: Let me rephrase that. The
15 Home Occupation Ordinance as it relates to horse
16 boarding, under your revised proposal here, it's your
17 desire to basically do away with that portion of the
18 Home Occupation Ordinance?

19 MR. ANDERSON: That is correct.

20 MR. STIEPER: So if I understand it correct,
21 then everything with regard to commercial horse
22 boarding would fall under the stricture of LeCompte's
23 original application and what is now your amendments;
24 is that correct?

1 MR. ANDERSON: That is correct.

2 MR. STIEPER: And so take this to a full
3 length, with regard to boarding of horses in
4 Barrington Hills under your proposal, it would all
5 fall under what would be your text here; is that
6 correct?

7 MR. ANDERSON: There may be other provisions
8 in the code that impact upon it, but the regulation,
9 generally speaking, does fall strictly under here.

10 MR. STIEPER: Are you aware of anything else
11 in our code which was boarding for a fee where there's
12 any other provision or code which would allow for
13 that?

14 MR. ANDERSON: There are areas that will
15 regulate the size of barns, those types of things and
16 setbacks and what have you.

17 MR. STIEPER: We are talking about use now.
18 So we are talking about simply commercial boarding,
19 the boarding of horses. I'll get to the structural
20 component in a minute. But under your proposal,
21 basically all of this would fall under your, your
22 proposed ordinance; is that correct, or amended
23 LeCompte's ordinance?

24 MR. ANDERSON: Correct.

1 MR. STIEPER: Home Occupation is out?

2 MR. ANDERSON: That is correct.

3 MR. STIEPER: Now, with regard to
4 enforcement --

5 MR. ANDERSON: Yes.

6 MR. STIEPER: -- explain to me if an
7 operation -- I'm not going to go through all of this
8 and go through and try to redact your language,
9 hopefully, I will have time to do that outside of,
10 outside of this hearing. It will be painful enough
11 for me. I don't want to subject the audience to going
12 through each word, but I want to ask some general
13 questions.

14 Under your proposal, if I am a neighbor,
15 residential, abutting up to a, what I guess would be a
16 boarding operation, whatever size under your
17 proposal --

18 MR. ANDERSON: That's correct.

19 MR. STIEPER: -- and I don't like what's
20 happening there, it could be maybe noxious smell --
21 let's take the structural component out -- it could be
22 number of horses. It could be anything. As a
23 neighbor abutting up to that property, what recourse
24 would I have?

1 MR. ANDERSON: You have a number of
2 different provisions that would address this. We have
3 regulations as it relates to the hours of operation.
4 So if they are operating outside of this area, you
5 would have the recourse of --

6 MR. STIEPER: You might want to talk in the
7 microphone.

8 MR. ANDERSON: You'd have the ability if
9 they are operating outside the hours listed here to
10 file complaint with the Village and deal with the
11 zoning officer, just as you do under the Home
12 Occupation. If you were to have a problem with waste
13 management, again, that would be dealt with under the
14 code under the regulations here under subparagraph
15 three; and again, you're going to be dealing with the
16 zoning officer just as you would under the Home
17 Occupation provisions.

18 MR. STIEPER: Okay. So if you --

19 MR. ANDERSON: Allow me to answer please.
20 If you have nuisances, noise, any other items that are
21 injurious to your abilities to enjoy your property,
22 you have the nuisance causes of actions under
23 paragraph five. If you have excess horses, that's
24 dealt with under paragraph six. Again, these are all

1 violations of the regulations that would be dealt with
2 by the zoning officer -- by the enforcement officer.
3 You have, you know, if you've got -- if a neighbor has
4 a porta-potty sitting outside for the normal
5 operations, again, violation. These are all items
6 that fall under either the nuisance or specifically
7 regulated, just as they are currently under the Home
8 Occupation. Even traffic is dealt with here, that
9 it's regulated that you have to make reasonable
10 efforts to restrict the impact of traffic on your
11 neighbors. And so these are all items that fall under
12 the guise of the enforcement officer. These are
13 regulations that aren't even, you know, that
14 effectively are extracted from Home Occupation and
15 we're applying those, but we are putting it into
16 such -- this puts it into such a way that effectively
17 the same or similar regulations that apply to Home
18 Occupation are being applied to these same things. It
19 gives you a specific course of action by going to the
20 zoning officer, filing your complaints for nuisances,
21 filing your complaints for manure issues. All of
22 those things are being addressed here and put under
23 the regulation of the zoning.

24 MR. STIEPER: My follow-up question --

1 MR. ANDERSON: Sure.

2 MR. STIEPER: -- you said something
3 important. You said it would be just like the Home
4 Occupation, you can file a complaint with the Village.
5 Right now if I believed there was a violation of the
6 Home Occupation Ordinance as it relates to commercial
7 boarding, where would the forum that I would, who
8 would make that decision regarding whether it's a
9 violation or not? I would file a complaint with the
10 Village, where would my grievance be addressed?

11 MR. ANDERSON: Initially, with the zoning --
12 or excuse me with the --

13 CHAIRMAN FREEMAN: Enforcement officer.

14 MR. ANDERSON: Enforcement officer, yes.

15 MR. STIEPER: And then if the grievance had
16 substance, where would it go?

17 MR. ANDERSON: Depends on the course chosen
18 by the --

19 CHAIRMAN FREEMAN: Mr. Kosin is trying to --

20 MR. KOSIN: The path is either the applicant
21 chooses to either appear before the Zoning Board of
22 Appeals or chooses to go directly to a local court.

23 MR. STIEPER: Correct. So the cease and
24 desist issued or some type of order coming from the

1 enforcement officer and then you would have then
2 recourse before the Zoning Board of Appeals; is that
3 correct?

4 MR. KOSIN: Not if you were already in a
5 judicial action.

6 MR. STIEPER: I'm not talking about judicial
7 action. I --

8 MR. KOSIN: That is an option, directly to
9 go to enjoin. If it's grievous enough, the Village
10 could seek a judicial action to enjoin further actions
11 in that regard.

12 MR. STIEPER: I understand, but under this,
13 I would also have a right to address my grievance
14 before the Zoning Board of Appeals?

15 MR. KOSIN: That is correct.

16 MR. STIEPER: My question to you is, under
17 your scenario, would I have that same right to come
18 before the Zoning Board of Appeals?

19 MR. ANDERSON: Yes.

20 MR. STIEPER: Now, the structure of your
21 ordinance, I haven't read it, all the rest, is
22 basically this criteria. If a -- I'll just use if a
23 boarding operation is following this criteria, then
24 basically the neighbor is out of luck, correct? If

1 they are following this ordinance, they are out of
2 luck, they have no redress?

3 MR. ANDERSON: That is correct. Just as
4 they don't have any redress for a, you know, a home
5 occupation. If they are complying with the Home
6 Occupation provisions, they have no redress.

7 MR. STIEPER: Under that Home Occupation
8 Ordinance, it doesn't define number of horses,
9 correct?

10 MR. ANDERSON: That's correct.

11 MR. STIEPER: Right. Basically, it follows
12 what would be our zoning code, doesn't increase
13 traffic, doesn't maintain -- maintain the peace and
14 tranquility of the neighborhood and those other
15 strictures which are identified in our zoning code. I
16 haven't read this ordinance, but are those strictures,
17 are they incorporated into this agricultural
18 definition?

19 MR. ANDERSON: They are.

20 MR. STIEPER: Structural component.

21 MR. ANDERSON: Pardon?

22 MR. STIEPER: I said does your proposal
23 contain a structural component?

24 MR. ANDERSON: Are you referring to size of

1 the structure?

2 MR. STIEPER: I'm referring to structure.

3 So if I'm going to operate a boarding operation, what
4 does your proposal here say with regard to --

5 MR. ANDERSON: It must be in compliance --

6 MR. STIEPER: I'll let you finish, let me
7 finish. What does it say with regard to setbacks,
8 size of structures, location of structures? Who makes
9 the determination as to where they are located? Give
10 me some backdrop before I read this with regard to
11 that aspect.

12 MR. ANDERSON: Right now, barns are
13 permitted within this village. They have their own
14 setback requirements. Barns and stables have setback
15 requirements currently in the village code. This
16 incorporates those same items but also adds that no
17 barns, riding arena or -- arenas, et cetera, would be
18 allowed that would exceed the FAR. So we still have
19 floor area ratio restrictions that for these
20 operations are in play and --

21 MR. STIEPER: So basically are you adopting
22 what's already in the code, is that fair to say, so we
23 can move this along?

24 MR. ANDERSON: I'm adopting what is in the

1 code, but we are connecting it, too. So for example,
2 most agricultural buildings for the agricultural use,
3 are they required to comply with the same FAR area
4 ratio as the residence? Then it is the same. There's
5 no change other than linking it to.

6 MR. STIEPER: Have you analyzed your
7 proposal with regard to the Livestock Management
8 Facilities Act, Illinois Livestock Management
9 Facilities Act? You are aware of that statute, aren't
10 you?

11 MR. ANDERSON: I'm not aware of that
12 provision. I've not analyzed it in light of that
13 provision. Are you suggesting --

14 MR. STIEPER: I haven't either. It exists.
15 It does pertain to boarding of horses. As to whether
16 it has application to what we are doing, I don't know,
17 but it's something I raise because it's something that
18 we are probably going to need legal counsel or advice
19 on as to if it has any impact to what we are doing.
20 I'm not trying to hang you on that. I don't quite
21 understand it myself. But it's there. It does
22 pertain to boarding of horses and it does have
23 contained in that statute, just from my glancing at
24 it, various setback requirements, et cetera. It's,

1 you know, they don't manage manure, whatever, on and
2 on, and I don't know if --

3 MR. ANDERSON: I'm not an expert in the
4 interplay between the intergovernmental rules and
5 regulations.

6 MR. STIEPER: I was just asking whether if
7 your proposed amendments take into consideration --

8 MR. ANDERSON: I don't know that they ever
9 have as far as Home Occupation or otherwise at this
10 point.

11 MR. STIEPER: Okay. So from an enforcement
12 end, what, if any, difference in your proposal does it
13 have as opposed to what we already have now in the
14 village?

15 MR. ANDERSON: It eliminates the need to
16 draw a bright line as to what constitutes large-scale
17 boarding operations. It puts everybody, effectively,
18 on the same playing field. You know, if you are
19 boarding one horse or 30 horses, regardless of how you
20 look at it, it is an occupation or it is a business.
21 It may be a profitable business, it may not be. It
22 may be a successful business, it may not, but there is
23 no distinction. The idea here is to insure that we
24 have residents of this village that operate boarding

1 operations, whether large or small, behaving in an
2 appropriate fashion and as good neighbors; i.e.,
3 keeping the peace and quiet of the community as a
4 whole, trying to mitigate any impact that they may
5 have or their guests may have on the community as a
6 whole, and that's the intent of what I put together.
7 I'm trying to address those concerns.

8 MR. STIEPER: Just so I understand it then,
9 your opinion is, and I don't have one one way or the
10 other, is that a resident who is abutting up to one of
11 these operations would have the same rights as they
12 currently enjoy today?

13 MR. ANDERSON: Yes, I'm of that opinion.

14 MR. STIEPER: Now, does your ordinance or
15 your -- does it get into --

16 MR. ANDERSON: Let me just add a point of
17 clarification, if I might, for that last question.
18 For those residing next to an operation, their rights
19 are the same. For people with an operation, their
20 rights and restrictions -- or their rights are
21 probably more restricted now because we've now added a
22 restriction on the density of horses. It might be too
23 loose for some folks, but at least now there is a
24 restriction in that -- in this provision that did not

1 previously exist.

2 MR. STIEPER: I'm going to get into that.

3 So you are going to right where I'm going.

4 The provision for density of horses, what
5 does your amendment call for?

6 MR. ANDERSON: It is if a -- effectively, if
7 horses are stabled with supplemental nutrition, if you
8 will, they are not pasture kept, they can have two per
9 acre. Horses that are pasture kept, some people refer
10 to that as rough boarding, they are restricted to one
11 horse per acre.

12 MR. STIEPER: Where do you come up with
13 that, with those numbers or that science?

14 MR. ANDERSON: Well, the testimony that we
15 heard the other night as to what would be appropriate
16 for -- what would be necessary to keep a horse in
17 pasture was the one. It's actually, you know, it
18 could have been a half an acre or a full acre to keep
19 a horse. So that testimony, which is corroborated
20 with other testimony we've heard in prior hearings,
21 and then also the -- and then as far as the two horses
22 per acre for stable kept horses, we've heard testimony
23 both in a couple of different settings, including the
24 Elder text amendment there was testimony relating to

1 that as it relates to horse density.

2 MR. STIEPER: Now, you would agree, you are
3 a lawyer by trade, that basically we all learn in law
4 school real estate is unique, correct?

5 MR. ANDERSON: Yes.

6 MR. STIEPER: Every parcel is different.

7 MR. ANDERSON: Yes.

8 MR. STIEPER: So what, as I understand it,
9 you are trying to do a one size fits all with the
10 horse density issue, right? This is what you are
11 going to get no matter size of your property is, what
12 unique features it may have, whether that be dampness,
13 soil conditions, proximity to residences, proximity to
14 streets, none of that's taken into consideration, this
15 basically is a one size fits all?

16 MR. ANDERSON: From my observations in the
17 16 years I've lived in this village, the -- I've not
18 seen excessive horse boarding, if you will, or
19 excessive density. There might be a situation where
20 there's runoff or something that needs to be
21 addressed, but I think the people that are boarding
22 horses in the village are attuned to the issue of
23 whether or not the facilities are proper for horses.

24 People have big investments in those things,

1 so that being said -- the other issue, the other
2 reason I did the one size fits all is for, to some
3 degree, for ease of administration. It's easy for the
4 zoning officer to pick up a plat of survey and know
5 the acreage in that parcel and say all right, I have a
6 six-acre parcel on which horses are being kept. That
7 means if I count more than 12 stalls or 12 occupied
8 stalls, I should say we got a problem. Or if we have
9 more than six horses running around without a stall to
10 go into, we have a problem. And that makes it easy.
11 If I didn't do something like this, the issue that I
12 see is the zoning officer then would have to go in and
13 figure out all right, how many acres are wet and
14 shouldn't be allowed to board, you know, graze horses
15 on, how much room is in the residential area and how
16 much of it is driveway and why is it not reasonable.
17 This is really a matter of trying to keep it simple,
18 if you will, so that there is an ability for a zoning
19 officer, no questions in interpretation at this point,
20 here is what the parcel is, it's six acres, I get X
21 number of horses. That's probably the biggest reason
22 to do this this way.

23 MR. STIEPER: Help me out here. Won't that
24 zoning officer then have to make a determination as to

1 what a pasture, pasteurized acre is because the
2 difference between dampness --

3 MR. ANDERSON: No, it's if they are pasture
4 kept. It doesn't look at the size of the pasture. It
5 looks at the size of the zoning lot.

6 MR. WOLFGRAM: Does the footprint of the
7 structures take away from the acreage?

8 MR. ANDERSON: It does not in this scenario.

9 MR. WOLFGRAM: That could be significant,
10 couldn't it?

11 MR. ANDERSON: It could be, but the FAR
12 would probably keep it to the point that you would not
13 probably have more than half of the parcel covered in
14 structure or restrictions which would reduce the
15 grazeable area, theoretically, to half an acre per
16 horse, right? Which -- the issue there is not the
17 number of horses in a stall. Horses in a stall kind
18 of based on the testimony what you don't really
19 concern yourself with the amount of pasture available
20 for the horses in the stall because they're being fed
21 hay and/or grain from outside, if you will.

22 If you are looking to only board in pasture,
23 which means no supplemental hay or grain, you need an
24 area big enough to graze them. So that could be as

1 small as a half acre it could be capable of supporting
2 the horse, at least that was the testimony we heard.
3 So that was kind of the thought there. It was kind of
4 a two-pronger. Keep the enforcement fairly
5 straightforward and still keep it within a reasonable
6 guideline.

7 MS. DICKSON: I'm sorry, if I could just
8 interject one thing here. It's becoming clear to me
9 after two-hour discussion of this text amendment that
10 the discussion is relative to the amendments and not
11 to the underlying application that was submitted and
12 on which a significant public hearing was held. And
13 it's based on Mr. Stieper's comments and all of the
14 questions that he's been able to formulate in this
15 period of time, I'm wondering if it might be better to
16 recommend that if the board, if the board, the
17 majority of the board appreciates this, the amendments
18 that have been made by Mr. Anderson, that the board
19 consider having a vote to adopt it as a proposed text
20 amendment; and I hate to recommend it, but to have a
21 full public hearing on this because all of the
22 questions that Mr. Stieper is asking may be questions
23 that members of the public may also have, and we have
24 not had a public hearing on this. And as Mr. Stieper

1 pointed out, the amendments consume the whole here and
2 really do change enough to the LeCompte amendment that
3 anyone who had public notice of the amendment and the
4 opportunity to review the amendment as it was -- to
5 review the application as it was proposed and to come
6 to a public hearing on that would be faced with a
7 completely different document. And I know no one
8 really wants to have another public hearing but.

9 CHAIRMAN FREEMAN: I appreciate that. I
10 think in understanding Kurt's proposal, though, and I
11 actually think you said some of the information that
12 Susan Fitch provided where she gave us that letter
13 with the grid that said, you know, here is what the
14 Riding Club amendment says, here is what the LeCompte
15 says; what I understand you did was you tried to take
16 pieces that, you know, this was better in -- the
17 Riding Club amendment had the better horse density
18 than LeCompte, so you dropped it in, right? I mean,
19 I --

20 MR. ANDERSON: I tried to take the best of
21 what was there as well as what was currently in our
22 ordinances and tried to pull it together in such a way
23 so as to come up with a, in my opinion, a better text
24 amendment that addresses many of the issues that or an

1 amended text amendment that addresses some of the
2 issues that were raised during public testimony.

3 MS. ROSENE: With regard to the number of
4 horses, I think that came from the LeCompte amendment,
5 did it not?

6 MR. ANDERSON: There is some from -- some of
7 that is. Yes, it is. Yes, it is.

8 CHAIRMAN FREEMAN: So that's already in
9 there. Okay.

10 MR. ANDERSON: Yes.

11 CHAIRMAN FREEMAN: So I guess when I'm
12 looking at this in terms of new content that hasn't
13 already had a public hearing now, I guess the -- he
14 already had the -- I mean, you are taking things out
15 that were discussed at the public hearing, like the
16 entire compliance section is coming out, the entire
17 retroactivity section is coming out.

18 MS. DICKSON: It's such a change.

19 CHAIRMAN FREEMAN: We've heard testimony on
20 every paragraph in here.

21 MR. ANDERSON: And my other comment would
22 be, for example, the nuisance clause comes from
23 another section of our code.

24 MR. STIEPER: With all due fairness, I

1 haven't had time. I haven't read this. I haven't
2 analyzed it. I haven't compared it. I mean, it would
3 be unfair to even vote on this tonight. I need time.
4 I mean, I don't know what the rush is. We've got a
5 lot here. Kurt, looks like you've got some new or
6 interesting ideas here, certainly a lot of changes.
7 It's a different amendment when you take the amount of
8 changes you made. I'm not going to sit here at the
9 seat of my pants say yeah, let's go ahead and get rid
10 of LeCompte's original proposal and substitute yours
11 in. I need time to look at it. I'm not that smart.

12 CHAIRMAN FREEMAN: David, none of these
13 pieces haven't been discussed previously. All Kurt
14 did was try and take the better practices from each of
15 the ones that were gridded across.

16 MR. STIEPER: But Kurt and I may have a
17 difference as to what's a better practice.

18 CHAIRMAN FREEMAN: But isn't that why we are
19 having the discussion? I mean, didn't you come
20 prepared to discuss each of the four amendments?

21 MR. STIEPER: I came prepared with the four
22 amendments, not a new amendment.

23 CHAIRMAN FREEMAN: But every piece of
24 content in here already exists in the material that we

1 were each supposed to have evaluated before the
2 meeting.

3 MR. STIEPER: How would I know? I haven't
4 had time to sit here while we are talking and read all
5 of this.

6 CHAIRMAN FREEMAN: All right. You know,
7 David, if you are uncomfortable --

8 MR. STIEPER: I'm uncomfortable. I'm
9 uncomfortable with this whole process, Chairman, very
10 uncomfortable. I'm very nervous.

11 CHAIRMAN FREEMAN: Your uncomfortableness is
12 acknowledged. Do you have other questions?

13 MR. STIEPER: With regard to this? I think
14 counsel had suspended those questions, right, because
15 we are dealing with a new proposal or I may have
16 misinterpreted?

17 MS. DICKSON: I'm not telling you not to ask
18 your questions.

19 MR. STIEPER: I promise I won't yell next
20 time.

21 MS. DICKSON: I hear what you are saying,
22 and my concern, I voiced my concern based on what you
23 are saying. My goal here is to make sure that what
24 the board does is legally compliant, and what the law

1 provides is that if there's going to be a text
2 amendment, that there be a hearing on the amendment
3 before it's recommended. I appreciate, Chairman, what
4 you are saying. We've had four public hearings.

5 CHAIRMAN FREEMAN: Right.

6 MS. DICKSON: There has been considerable
7 testimony, and I appreciate the work that went into
8 gathering this into one amendment. I'm just concerned
9 that the notice that was given for Mr. LeCompte's text
10 amendment is for an amendment that's markedly
11 different than what's being discussed tonight. It's
12 not to say it hasn't been heard or these things
13 haven't been heard, but what Mr. Stieper has pointed
14 out just by looking at the red versus black, this is
15 markedly different.

16 CHAIRMAN FREEMAN: You know, I -- and we've
17 talked about this.

18 MS. DICKSON: We have.

19 CHAIRMAN FREEMAN: And I've been through
20 this process before in other contexts, and when you go
21 through what's in here, there are deletions. There
22 are no additions that haven't already been discussed.

23 MS. DICKSON: I agree.

24 CHAIRMAN FREEMAN: So when you go back

1 through Robert's Rules of Order in determining the
2 accept, reject or amend criteria, this absolutely
3 falls within those criteria, so I can't deny
4 Mr. Anderson his motion.

5 MS. DICKSON: Well, the only thing I'll say
6 to you is, and I provided you a copy, when you are
7 dealing with an amendment to the zoning ordinance, you
8 look specifically at the Illinois Municipal Code.
9 Section 11-13-14 of the code provides that the code
10 can be amended from time to time by ordinance, but no
11 such amendment shall be made without a hearing before
12 some commission or committee designated by the
13 corporate authorities and that notice of time and
14 place therein have to be held.

15 This is a very different situation. I've
16 never been in a community before where we've had four
17 competing text amendments. I agree with you that
18 there have been public hearings. I agree with you
19 because I've sat through them and listened that what
20 you are hearing here isn't necessarily new, but it's
21 in a format, one document, that's new. You are in
22 uncharted territory. So I leave it to you. I only
23 want to tell you it is a concern. We may have members
24 of the public who didn't know this amendment was

1 coming who would also want to give you the benefit of
2 their opinion in a public hearing format.

3 MR. STIEPER: I would submit we are going to
4 have this problem with all four applications. We are
5 going to have four more hearings, all the rest. I
6 think the reasonable way to do this, you know, to cut
7 to the chase is basically to suspend what we are doing
8 here, go back the way it should have been done,
9 traditionally done in Barrington Hills, and that is
10 the Zoning Board of Appeals vote among itself whether
11 they want to do a proposed zoning amendment.

12 Now, I don't think we can force people to
13 withdraw their applications. We are going to have to
14 deal with them, but I think we are going to run into
15 this problem on all four applications that are
16 submitted. By the time they are done with amendments,
17 they are going to be, in essence, different proposals,
18 and we are going to be -- and I think correct under
19 the municipal code, we are going to have to re-notice
20 them for public hearing because the public has a right
21 to see them in advance or we are going to be doing
22 this in perpetuity.

23 MS. DICKSON: Well, you may not, if the
24 board were to approve this. I guess I would disagree

1 only because if the board chooses to adopt the motion
2 that was made, I would assume the motion as to the
3 other three, and it's an assumption only, you have a
4 choice you could deny the other three and move forward
5 with just one. So you wouldn't necessarily have
6 amendments coming and going. It would depend on the
7 vote of the board, though. It's possible what you are
8 saying.

9 MR. STIEPER: Just so I understand, we have
10 got four applications. If this board, through
11 whatever is adopted here, let's say, under proposal
12 number one, LeCompte revised, if this board votes to
13 approve, we are going to take that vote prior to
14 looking at the other three applications? Now, I don't
15 know, I don't know how we are going to do this. This
16 is a discussion we need to have and everybody on this
17 board needs to be forewarned that if we approve one, is
18 it to the exclusion of the other three applications
19 where we just tell those people, well, hey, thanks for
20 the effort, but we are not even going to have closed
21 discussion and even discuss your application because
22 we discussed it -- I'm sorry, we decided on proposal
23 number one as amended?

24 MS. DICKSON: The answer to your question is

1 you can approve as many as you'd like and have this
2 become a board issue. You could, to the extent that
3 this is an amalgamation of information. It's not as
4 if you are denying the other ones wholesale. You've
5 taken parts of all of them so the board has -- it is a
6 very unusual situation. The board has a lot of
7 decisions to make, but it could very well adopt this
8 and no other.

9 MR. STIEPER: Wouldn't it be a reasonable
10 thing to have that discussion first? We've got two
11 proposals that I understand that attempted to posit
12 commercial boarding or boarding under a definition
13 called agricultural, and then you have two that
14 attempt to insert it under special use, at least
15 that's the way I understand it. And if we are, you
16 know, just how we're going to, I guess, in my opinion
17 give a fair hearing or fair understanding to each one
18 of these applications or at least at a minimum without
19 the exclusion of the other, I think that's something
20 maybe we want to discuss now. Is it possible to, and
21 I don't know the answer to this, to decide on a
22 application number one or application two, whatever
23 that may be, the ones dealing with agricultural, and
24 say okay, this is the best we can do with

1 agricultural, and then now turn our attention to
2 special use and see what we can come up with, and then
3 basically, you know, have the match between the two as
4 to which one we want to send up or as you said it
5 maybe both.

6 CHAIRMAN FREEMAN: Can I offer something?

7 MR. STIEPER: Sure.

8 CHAIRMAN FREEMAN: There is a parliamentary
9 procedure if you would like to pursue it where this
10 motion can be laid aside temporarily. They call it
11 laying it on the table, which is kind of odd because
12 it sounds like the opposite. And if the majority
13 votes to do that, we can put the motion on the table
14 and let it sit there, all right, and not act on it, to
15 your point. And I don't know if this is where you'd
16 like to go, but I'll throw it out there. And then we
17 can go to the second one in the list, and we can get a
18 seconded motion, have whatever discussion we'd like,
19 and we can lay it on the table, okay, next to
20 Mr. Anderson's, and we can have all four, which is a
21 fine idea, and then we close debate. And since you
22 moved the first one, whoever moves the question, can
23 just go back and say I move my previous question. We
24 move to pick it up off the table and act on it. Does

1 that sound like something that would be agreeable to
2 you?

3 MR. STIEPER: Yeah, I think that's a process
4 that --

5 CHAIRMAN FREEMAN: Does that work?

6 MS. DICKSON: Yes. Absolutely.

7 CHAIRMAN FREEMAN: Okay. All right. So
8 what I hear you saying, and I don't want to -- is that
9 you want to make a motion to lay Mr. Anderson's motion
10 aside temporarily?

11 MR. STIEPER: Well, I -- that's assuming we
12 are done with discussion?

13 CHAIRMAN FREEMAN: Whenever you would like.

14 MR. STIEPER: I understand.

15 CHAIRMAN FREEMAN: I'm just trying to
16 address your procedural question.

17 MR. STIEPER: Well, you know, here is,
18 again, again, I have not had a -- I know LeCompte's
19 application. I've read that. I don't know this
20 application. I may, you know, whether we lay
21 Mr. Anderson's on the table or the original
22 application by LeCompte, I could tell you I'm not
23 prepared to say which one I would like to lay on the
24 table until I've had time to study Anderson's versus

1 LeCompte's.

2 CHAIRMAN FREEMAN: Okay. Then you're not --
3 I'm not forcing you to do that. I'm just offering it
4 up.

5 MR. STIEPER: It's a good idea, but I'm just
6 saying -- so anyway, just a few more general
7 questions.

8 Mr. Anderson, we left off on density of
9 horses.

10 MR. ANDERSON: Yes.

11 MR. STIEPER: The assumption is always that
12 zoning is to restrict people's use, and I think a lot
13 of people come in with that bias, but, in fact,
14 zoning, maybe agree or disagree, but the way I've
15 learned it, is you want to allow people to maximize
16 the use of their property to gain full productivity
17 without, quote/unquote, infringing on other people's
18 right of full enjoyment.

19 So with that in mind, you made an assumption
20 that when you said density of horses, one horse per
21 grazeable acre, whatever it is, that it was your
22 experience that what people in Barrington Hills don't
23 populate their property with too many horses.

24 But I want to approach it from the converse,

1 is maybe you are restricting it too much. Maybe I
2 have a parcel of land that is a large parcel, which as
3 I said doesn't have residents nearby, doesn't have
4 private roads connecting, it abuts onto a main
5 thoroughfare, all the rest, and I may find this too
6 restrictive. I'm not able to maximize the use of my
7 property and that, in fact, given my unique
8 circumstances on my parcel, I could be doing more.
9 Does your -- I mean, how is that addressed or is it
10 even a consideration? Because under special use, the
11 beauty of special use is this, and what I'm getting at
12 is special use is not to be assumed as saying, you
13 know, you could do less with your property, we're here
14 to tell you what you can't. Basically, under special
15 use is to maximize one's use of property within the
16 confines of what the criteria is set so that people
17 get maximum enjoyment. So, in fact, it is possible
18 under special use to obtain more than what, you know,
19 or potentially obtain more than what you even wanted
20 due to the unique circumstances in treating every
21 parcel in that fashion. But yours doesn't do that,
22 and my question is on the other end with regard to
23 population, how do you deal with somebody who may,
24 given their uniqueness of their parcel, may be in --

1 maybe deserve more?

2 MR. ANDERSON: I would be more than happy to
3 amend the ability to apply for a variance of this
4 zoning provision, and I think, I'm not positive, and
5 I've not explored that, but I would assume a variance
6 of that density provision probably could be obtained
7 should the property be of unique character and of such
8 a character that it could accommodate additional
9 density, if you will. And so I would envision that
10 this would be, the issue that you are raising would be
11 addressed by a variance rather than a special use
12 permit.

13 MR. STIEPER: So on the one hand then if a
14 person then, as I understand it, you are willing if a
15 person is able to achieve more on their property than
16 what your ordinance grants, they would, you would
17 possibly entertain a variance?

18 Now, I'm going to go the opposite direction.
19 Your one size fits all based upon another unique
20 property where it's abutting against a private road
21 where you have residences surrounding it, and where
22 you have, I'll call intense R1, because we are only
23 talking about R1 atmosphere, what about going the
24 other way and saying no, we have got to make it more

1 restrictive because based upon your unique
2 circumstances, I don't think we can give you what this
3 offers without infringing upon R1 zoning rights?

4 MR. ANDERSON: That would be addressed
5 through the nuisance provisions relating to both
6 traffic as well as other runoff or all the other types
7 of things. If their activity is such that it is
8 infringing upon the enjoyment and the quiet enjoyment
9 of their neighbors in a dense area, then you've
10 created a nuisance, and they would address -- that
11 issue would be addressed in that fashion so that the
12 adjoining property owners would file their complaints
13 and it would be addressed through a nuisance action.

14 MR. STIEPER: Right. So it would require
15 basically a resident to spend money to file whatever
16 they need to file, to expend time on the other end to
17 take time out of their life to deal with it. But
18 wouldn't a special use basically allow where each
19 applicant we as a Zoning Board of Appeals would be
20 able to view that parcel and all the rest and with
21 notice to residents who can come in and see a plan and
22 see what's intended for the property to say, yeah,
23 that's okay; yeah, that's not, or here is what we have
24 concerns or location of structures and all the rest?

1 Isn't that an easier fit and the real import is not so
2 much the use of boarding of horses but what about
3 structures? Once something is built, you know, a
4 riding center or whatever it is, as you say, people
5 are investing a lot of money and if that structure
6 where the person is well intended, you know, certainly
7 their activity is well intended, certainly not
8 intentional, but as a result ends up being a nuisance,
9 ends up being an infringement, ends up at the end of
10 the day not in conformance with your one size fits
11 all, you know, we're at the same point as, you know,
12 where we see two parties today.

13 Wouldn't, just in my mind when I look at
14 this, instead of having a village engineer or a
15 village enforcement officer who isn't even employed by
16 the Village but is on contract who says I really don't
17 want, you know, to make this decision, I'll enforce,
18 and he doesn't, isn't the better design basically to
19 have a Zoning Board of Appeals appointed members of
20 the community who live here, who understand the
21 culture, who understand what Barrington Hills is to
22 make that decision and then have at the top people who
23 are elected by people who are accountable directly for
24 what goes on? Isn't that a more democratic, a better

1 process for supervising and making sure not only the
2 residents get what they want but also that person who
3 wants to maximize use of his property?

4 Because as I said, you know, I'm for what's
5 trying to go on here, and I want people to be able to
6 maximize their use of the property in conformance with
7 what we are, and that's R1 zoning. And wouldn't we
8 rather have a process where we, Barrington Hills
9 people, manage it, decide it, than somebody on
10 contract? No offense.

11 MR. ANDERSON: Ultimately, their decision is
12 review, potentially reviewable by those of us in the
13 village. So we end up at the same place. In my
14 opinion, this is probably a better option than going
15 through special use applications for all the boarding
16 operations in the village.

17 MR. STIEPER: Well, no you missed my
18 original premise with regard to when something is
19 built that's already in place.

20 MR. ANDERSON: When something is built --

21 MR. STIEPER: It's likely to be removed than
22 if something, plans are submitted and somebody ahead
23 of time can object to it and have that recourse.

24 MR. ANDERSON: Well, if something is built,

1 it's built in compliance with the building code and
2 the zoning code initially, so we have all of that
3 being addressed up front. So the size of the barns,
4 all of those things that were already under compliance
5 in this scenario, they are in compliance with the FAR.
6 This goes beyond the typical zoning.

7 CHAIRMAN FREEMAN: I wanted to cut in on
8 your comment.

9 MR. ANDERSON: Certainly.

10 CHAIRMAN FREEMAN: If I can. You are
11 bringing up a really important point, David, and I
12 wanted to just share my views on it for what it's
13 worth. Two of the amendments use agriculture as the
14 vehicle to regulate and two of the amendments use Home
15 Occupation. And what I hear you saying is that there
16 are advantages to Home Occupation, and I under -- I
17 think I --

18 MR. STIEPER: Actually --

19 CHAIRMAN FREEMAN: It's inside the -- to the
20 permitting process that's inside Home Occupation,
21 correct?

22 MR. STIEPER: No. I mean, in my mind is I
23 believe Home Occupation works. It works well. And
24 that probably -- and I'm not going to throw out

1 numbers, but I've heard numbers that basically Home
2 Occupation following that basically takes care of 80
3 to 90 percent of the people boarding. So those people
4 there would be no requirement to come before us or
5 anything else because they are boarding in conformance
6 with Home Occupation. What I've heard even from a
7 comment tonight that we are basically talking between
8 14 and 16 operations which are operating outside of
9 Home Occupation and that those properties and boarding
10 operations then, in my mind, would benefit both the
11 residents who are abutting up next to them, the
12 community at large, and as well as the landowner,
13 themselves, because they will get certainty as to what
14 they can and can't do so that we can avoid litigation,
15 large expenditures, that those would be decided
16 through a special use process where we, the board,
17 people of Barrington Hills, appointed residents, as
18 well as large board make that decision.

19 CHAIRMAN FREEMAN: Okay. So the two
20 amendments that move this regulation under
21 agriculture, and I understand you have a preference
22 for this special use process, the reason that the
23 LeCompte amendments and the Elder amendment, in my
24 view, are better for the village gets back to the

1 question of the long game versus the short game. And
2 what I mean by that is when we map an activity and we
3 look at the risk of occurrence and the severity of
4 impact, which is our job here, it's a risk management
5 type of job, so when we look at anything that's new
6 and we have to predict what is the risk that something
7 bad would happen and then how bad would that impact
8 be, when I look at the special use permit process, I
9 don't disagree that there could be advantages to
10 having that process play out for all these barn
11 owners, and a neighbor might feel better that they
12 have input into that process and there's a short-term
13 benefit to that.

14 But from a risk management perspective, the
15 long game to me looks bad. And what I mean by that is
16 if I take large property owners and I tell them if you
17 want to engage in this activity or continue to engage
18 in this activity, you have to go through a process
19 periodically where you're going to be evaluated by
20 seven people who don't know you and you don't know
21 them. They are going to potentially be disinclined to
22 make an investment in that property. And so the
23 long-term prospects for zoning and the retention of
24 the zoning ideals that are in our comprehensive plan

1 are threatened, and the severity of impact is
2 extremely high because once the property is
3 subdivided, I'm done. I can't put it back together
4 again. So there's a permanent high risk of a
5 high-impact occurrence happening if we subject this
6 process to criteria that are not objective and not
7 something that a landowner can look at before they
8 make their investment decision. And that is my
9 fundamental discomfort with throwing all of these
10 people in front of a special use permitting process.

11 I'm just putting it out there because I've,
12 I've spent a lot of time going through all of this,
13 and you and I might not agree on it, but I want you to
14 understand what my thought process is in trying to
15 manage long-term risk. Has nothing to do with the
16 short-term pluses or minuses of a neighbor's issue.

17 MR. STIEPER: No, and that, what you've
18 talked about, I've also in my mind have also. It's a
19 question that I'm not going to argue with -- well, I'm
20 going to argue with it from the standpoint of this is,
21 these special use permits don't have to be done
22 annually. They can be issued with certain criteria.
23 For instance, this is what we approve, whether it be
24 both, and this hasn't been decided whether it's the

1 activity, itself, and how much can you do and the
2 structures you can have, and as long as you don't
3 change that operation, meaning change it in terms of
4 numbers and scope, you don't have to come before this
5 board.

6 Now, we may have a triggering event if you
7 sell. The new owner may have to come before this
8 board. Now, zoning boards don't decide things based
9 upon what they feel, what subjective criteria, you
10 decide things based upon objective standards. And we
11 can craft those objective standards which favor this
12 activity, but, again, standards which protect R1
13 zoning so that you can't arbitrarily and capriciously
14 say, you know what, I don't like the way that guy
15 looks or I don't like whatever, I'm not going to grant
16 it. It's not our job up here. It's to side based
17 upon the law, and we can craft something which has
18 that objective criteria which protects that activity.

19 But you do raise a point, but, again, this
20 is something you have a feeling, but we don't have any
21 evidence to support what you're saying. I will say
22 this, but I will say this in the converse fashion.

23 CHAIRMAN FREEMAN: We do.

24 MR. STIEPER: In the converse fashion, I

1 will say this. If the -- commercial boarding beyond
2 Home Occupation is illegal in Barrington Hills right
3 now. It always has been. Always. And I am certain
4 when I looked at the applications in Barrington Hills,
5 and I looked at them, of who constructed what, all the
6 rest, talked to Mr. Schuman, not one said they were
7 doing commercial boarding activity. Now, not one
8 said -- matter of fact, most of them said it was for
9 private boarding, because people know. People know.
10 So this notion that somehow everybody is surprised by
11 this, all the rest, there's document after document,
12 the former village president, there's, you know,
13 disclosure after disclosure, and I can read it to you
14 ad nauseam. But here's on the other end of this is
15 should we decide, as a village, have some control not
16 only what, again, objective criteria what individuals
17 are doing with regard to this business activity in R1
18 zoning, but also the number of them. And I'm sure
19 Mr. Anderson's proposal has no restriction on numbers.
20 So how much of Barrington Hills -- Mr. Kosin, what's
21 the acreage of Barrington Hills R1 zoning,
22 approximately?

23 MR. KOSIN: 20.6 square miles. So about 8,
24 16, 16 and a half thousand acres.

1 MR. STIEPER: 25 square miles.

2 MR. KOSIN: 28.6.

3 MR. STIEPER: 28.6. So how much of that
4 mileage -- or how many of those miles do we want to
5 dedicate to a commercial activity? And at what point
6 in time are we no longer residential but commercial?
7 And at what point then does a proverbial door open to
8 commercialization? Now, you got some people shaking
9 their head it will never happen. Well, one of the
10 things we need to study on this board is what are
11 these large operations paying in real estate taxes.
12 I've done some study on them. They are paying far
13 less than what some five-acre people are paying.

14 Now, I'll go back to what I said to begin
15 with, there might be -- now that it's legal in
16 Barrington Hills, legal, legal to come in and do horse
17 boarding, I don't know how many additional people
18 that's going to attract. I don't know. But from the
19 converse of what you are saying is if we don't have
20 any control of these numbers, what -- and I can
21 benefit taxwise, I may decide you know what, it's
22 better for me to buy 20 acres and 5, and I don't have
23 horses, but, you know, it may become a hobby of mine
24 because for nothing but financial reasons.

1 Now, I don't know if that's plausible or
2 not, but it's certainly something we should study.
3 But on the converse of what Chairman Freeman is saying
4 is we got to look at the converse and the corrosive
5 effect that this could have because no matter how you
6 slice it, right now when you look at the zoning map of
7 Barrington Hills, we are R, residential zoning, R1
8 through R4. We don't, except for a very limited
9 areas, have commercialization. We are about to
10 introduce that into Barrington Hills. And so what
11 slippery slope can this potentially be. And I think
12 we need to take a look at this and at the end of the
13 day, we may decide there is no risk, but you know
14 what, I want to study that issue and I want to take
15 that issue seriously because I don't want to be the
16 guy 30, 40 years from now long term where you say you
17 guys wrecked Barrington Hills.

18 MS. ROSENE: I'd like to suggest that we
19 take a vote on Mr. Anderson's proposal at this point.

20 CHAIRMAN FREEMAN: Do we have --

21 MS. DICKSON: She called the question.

22 CHAIRMAN FREEMAN: All right. It's already
23 been or do we have to second to call the question or
24 do you just --

1 MS. DICKSON: No.

2 CHAIRMAN FREEMAN: Would you please take a
3 roll.

4 MR. WOLFGRAM: What's the motion?

5 MR. ANDERSON: The motion is --

6 CHAIRMAN FREEMAN: Kurt's original motion.

7 MR. ANDERSON: To recommend the LeCompte
8 proposed text amendment with the -- as amended by my
9 motion and what was presented here in front of you
10 tonight.

11 MR. WOLFGRAM: Can I ask the attorney what
12 does that vote limit us from doing in the future
13 relative to this proposal of any other amendments?

14 MS. DICKSON: It does --

15 MR. WOLFGRAM: Does it have any impact?

16 MS. DICKSON: No impact. You could approve
17 all four. You are a recommending body. It would be
18 unusual to approve all four only because once you made
19 a selection in one direction, it might seem
20 inconsistent to go another. But you can approve all
21 four and leave this in the hands of trustees to
22 determine which is the best route to go.

23 MR. WOLFGRAM: Does it preclude us from
24 doing any further amendment?

1 MS. DICKSON: If you seek to amend it, you
2 should make a motion to amend now. The only concern I
3 have is what I've stated previously, which is the
4 farther you wander away from what we are calling the
5 LeCompte amendment, the less it is the LeCompte
6 amendment.

7 MR. CHAMBERS: Can we make a motion to
8 remove the motion and then have a motion to table?

9 MS. DICKSON: I'm not sure what you mean by
10 remove.

11 MR. CHAMBERS: Forget about the first
12 motion. Make a motion that it be tabled, the first
13 motion be withdrawn?

14 MR. STIEPER: Your motion.

15 CHAIRMAN FREEMAN: Oh, you want to lay it on
16 the table?

17 MS. DICKSON: Right. Right now the question
18 has been called, so you should -- we've been talking
19 procedure, but you should have a vote on the question.

20 CHAIRMAN FREEMAN: Then we can continue to
21 the next one or whatever one someone motions, I guess
22 next, right? And then discuss it and do whatever we
23 want with it. Okay. I'm sorry.

24 COURT REPORTER: Member Benkendorf.

1 MR. BENKENDORF: Yes.

2 COURT REPORTER: Member Stieper.

3 MR. STIEPER: Are we voting to lay it on the
4 table or are we voting for this thing?

5 MR. ANDERSON: The question was called on
6 the original motion.

7 MS. ROSENE: On the original motion.

8 MR. STIEPER: On yours? No.

9 COURT REPORTER: Member Wolfgram.

10 MR. WOLFGRAM: No.

11 COURT REPORTER: Member Chambers.

12 MR. CHAMBERS: No.

13 COURT REPORTER: Member Rosene.

14 MS. ROSENE: Yes.

15 COURT REPORTER: Member Anderson.

16 MR. ANDERSON: Yes.

17 COURT REPORTER: Chairman Freeman.

18 CHAIRMAN FREEMAN: Yes.

19 This motion carries and then this motion is,
20 therefore, closed and we can open the next motion.

21 The next motion is Elder/Riding Club
22 Barrington Hills, right? So --

23 MS. DICKSON: You know, I have to apologize
24 because I know you've approved this but it is

1 incumbent upon the board to make findings of fact.

2 CHAIRMAN FREEMAN: Right.

3 MS. DICKSON: And to the extent you want to
4 approve that, while it might seem a tad on the
5 backward side, I think it's -- I think Mr. Anderson
6 did touch on those amendments and the reasons that his
7 amendment meets that finding, the finding of fact; but
8 I think it would be appropriate for the board to
9 approve a set of findings, a finding of fact that
10 would go along with that amended application.

11 CHAIRMAN FREEMAN: Okay. Is this just where
12 we say --

13 MR. STIEPER: Just a point of order, how
14 could we make a finding of facts when no facts have
15 been presented? Hold on. The facts, the facts, I'm
16 just asking a question. The facts we are compelled to
17 rely upon because it was Mr. LeCompte's application is
18 basically the evidence offered by Mr. LeCompte, and --
19 first step, correct?

20 MS. DICKSON: Well --

21 MR. STIEPER: It's still the LeCompte
22 amendment --

23 MS. DICKSON: However, it's been amended and
24 the board chooses to move forward with an amendment;

1 and as we've said here four different applications had
2 full public hearing. The opportunity was granted for
3 everyone to come forward. The amendment is an
4 amalgamation of the four. So I think that it is fair
5 to say that you have received testimony relative to
6 this, and for purposes of this particular text
7 amendment, I think it's important to know what you
8 have to find. And the finding is that the board
9 believes that the amendment to the existing ordinance
10 is in the public interest and it's not solely for the
11 interest of the applicant. The definition as well, I
12 have to go back to where it is, the definition as well
13 discusses the purposes of amendments, and that's set
14 forth in section 5-10-6. And the focus there is where
15 you think that it is promoting the public health,
16 safety, moral, comfort, and general welfare,
17 conserving values of property throughout the village
18 and lessening or avoiding congestion on public roads
19 and highways and further as defined. It's up to each
20 of you to determine whether you heard enough testimony
21 in those hearings to make that finding.

22 MR. STIEPER: But I go back to what I said
23 or what I maintained is the hearing, itself, was, with
24 all due respect, corrupted by the fact that we never

1 got a chance to examine witnesses who were sworn in,
2 i.e., the public, based upon the admonition of the
3 Chair. I will go back again that I was thwarted any
4 opportunity up to the point where I was at to examine
5 the applicant. So how can that in any good conscience
6 rise to the level of a proper evidentiary hearing on
7 an application? And now not only are we dealing with
8 that, but now we have a ZBA member who basically has
9 rewritten the LeCompte application without any, I
10 mean, nobody in the audience has a copy of this, and
11 as you said, what people thought they were coming for
12 hearing tonight was the LeCompte application and his
13 proposed ordinance. Really, what we have now is the
14 Anderson ordinance because basically the revisions
15 have subsumed the LeCompte application. And then on
16 top of that, based upon our little roundtable
17 discussion to the exclusion of the public, we are
18 going to say we made findings of facts based upon the
19 Anderson application, the Anderson ordinance, and that
20 our little discussion up here rises to that level and
21 we can in good conscience then write a findings of
22 fact to support something which I haven't even read.
23 I haven't read this. I have no idea what's in it.
24 Everybody tells me what's in it. It was handed to me

1 at this meeting. I mean, I don't think in good
2 conscience we can take a vote and do this.

3 MS. DICKSON: Well, that's an individual
4 decision of every member of the board. While I think
5 that there was general discussion before the motion
6 was called, my apologies for letting the vote come so
7 quickly, it was kind of unexpected, but I think that
8 you should adopt a finding.

9 CHAIRMAN FREEMAN: So I'm sorry, can you
10 tell me the form? Do we just state this health,
11 safety, morals thing, is that what you want me to do?

12 MS. DICKSON: I think you should give some
13 factual support; and actually, Mr. Anderson did during
14 his presentation. And I hate to call upon you again
15 to recall what you said, but I know I heard discussion
16 that would go toward those findings, and if you think
17 you could articulate them again and make a
18 recommendation, that would be helpful.

19 MR. STIEPER: For the record, what's
20 Mr. Anderson reading off of?

21 MS. DICKSON: He's reading the code section
22 that defines what must, when the Zoning Board of
23 Appeals is called upon to make a finding relative to a
24 text amendment, 5-10-6.

1 MR. ANDERSON: Move for a finding that the
2 design of or the intention --

3 MR. STIEPER: Can we take a bathroom break?
4 It's been a long time.

5 CHAIRMAN FREEMAN: Sure. Yeah. Let's
6 reconvene at 10:30. It's 10:25.

7 (Short break.)

8 CHAIRMAN FREEMAN: Okay. We are going to
9 reconvene at 10:33. Kurt, you have the floor.

10 MR. ANDERSON: I would recommend we move for
11 a finding that the LeCompte proposed text amendment,
12 as amended and discussed this evening, is designed to
13 address the safety and welfare of the community as it
14 relates to the boarding operations, boarding and
15 training facilities, if you will, within the Village
16 of Barrington Hills.

17 That it's designed to address and -- address
18 issues of nuisance, annoyance, injuries, and endangers
19 the safety -- that it's designed to address the causes
20 that may cause injuries or endangers the safety,
21 health, comfort, or repose of others within the
22 village. It's designed to address safety issues and
23 the impacts and reduce the impacts of traffic as well
24 as address the needs and problems caused by

1 unregulated horse boarding within the village.

2 MR. STIEPER: I'm going to object to what he
3 said designed to. That's not the proper language.
4 It's supposed to be findings of facts. There's
5 nothing indicating it's designed to do anything.

6 MS. DICKSON: Is there a second?

7 MR. ANDERSON: I'd be more than happy to
8 strike the language of design.

9 MR. STIEPER: Can you rephrase it then so we
10 can have a findings of fact for the record.

11 MR. ANDERSON: That there is a finding of
12 fact that the ordinance, as proposed, addresses the
13 concerns of the health, safety, and welfare of the
14 community arising out of the breeding and training of
15 horses and riders within the village.

16 It's designed -- it eliminates or addresses
17 the issues of nuisance, as well as traffic and safety
18 for residents of the village.

19 MR. STIEPER: Counsel, is this open for
20 discussion again or are we supposed to take a vote
21 or --

22 MS. DICKSON: If there's a second on that
23 motion --

24 MS. ROSENE: Second.

1 MR. STIEPER: One of the key ingredients
2 here, we had Mr. Schuman here. Mr. Schuman under this
3 proposal was being asked to basically assume the
4 entire interpretation, enforcement of an ordinance
5 that our own enforcement officer hasn't even had
6 reviewed. He indicated when he was here that he would
7 like to take a look at it and make comments. You'd
8 think that with -- this board would like to wait for
9 our enforcement officer to review it and make
10 comments. Both he may be able to shed light on things
11 in your proposal, which may not meet a threshold he
12 can do. So we are going to vote on something, which
13 we don't even know our enforcement officer could carry
14 out. He's under contract. He indicated I'd like to
15 look at it. I'd like to make my comments and send
16 them back.

17 We also have the discussion about,
18 quote/unquote, the comprehensive plan. And Chairman
19 Freeman has said it, we've got to make sure we are
20 doing something consistent with the comprehensive
21 plan. I drafted that comprehensive plan.
22 Mr. Wolfgram was on that commission, our commission,
23 and I submit to you there's nothing in there with
24 regard to commercial boarding. But if we are going to

1 insure that anything from this board is consistent
2 with our comprehensive plan, why don't we send it to
3 the Plan Commission whose job is to oversee the
4 comprehensive plan to make sure what we are doing is
5 consistent with the comprehensive plan because I hear
6 a lot of talk, but certainly no evidence as to whether
7 it is even consistent. But I'll submit there is
8 nothing in that comprehensive plan with regard to
9 boarding horses for a fee and certainly on a large
10 scale and certainly not something which would be
11 located abutting next to R1 zoning, R2 zoning, R3
12 zoning or R4 zoning. What are we doing?

13 CHAIRMAN FREEMAN: Are there any questions
14 for Mr. Anderson? If not, we'll call the question.

15 COURT REPORTER: Member Benkendorf.

16 MR. BENKENDORF: Yes.

17 COURT REPORTER: Member Stieper.

18 MR. STIEPER: No.

19 COURT REPORTER: Member Wolfgram.

20 MR. WOLFGRAM: No.

21 COURT REPORTER: Member Chambers.

22 MR. CHAMBERS: No.

23 COURT REPORTER: Member Rosene.

24 MS. ROSENE: Yes.

1 COURT REPORTER: Member Anderson.

2 MR. ANDERSON: Yes.

3 COURT REPORTER: Chairman Freeman.

4 CHAIRMAN FREEMAN: Yes.

5 So, Mary, are we closed off on the --

6 MS. DICKSON: Yes, we are good.

7 CHAIRMAN FREEMAN: I just want to make sure.

8 No, no, no. It's all right. It's all right.

9 Mary, you had mentioned two things. One
10 was, I mean, he wouldn't -- why would he withdraw his
11 motion if we've already passed it?

12 MR. ANDERSON: Because he may feel that the
13 amendments went too far otherwise as modified. He may
14 not want to submit that as his text amendment.

15 CHAIRMAN FREEMAN: So let me make sure I get
16 this right. Mr. LeCompte, as the original applicant,
17 you have the opportunity if you disagree with what
18 Mr. Anderson has done and feel that it does not
19 represent your petition, that you can, you have the
20 right to withdraw it. So we have an obligation to ask
21 you if you want to do that.

22 MR. STIEPER: Wait. Point of order. We
23 just voted on his application amended. How can he
24 withdraw something that we just amended? Then you got

1 to withdraw the whole thing.

2 MS. DICKSON: He would.

3 MR. ANDERSON: That's correct.

4 CHAIRMAN FREEMAN: What I'm being told is he
5 has the right to do that.

6 MS. DICKSON: To be clear, any applicant has
7 the right to withdraw an application up to the time
8 that the village board votes on it. He doesn't have
9 to say that tonight. He can wait until the board --

10 MR. STIEPER: We voted on it. There's
11 nothing to withdraw.

12 CHAIRMAN FREEMAN: Well, hang on. Maybe
13 what you might be thinking of, David, is -- Mary, the
14 other thing that you had mentioned way back at the
15 beginning was whether or not it made sense to
16 recommend this like on both Mr. LeCompte's and the
17 Zoning Board's basis so that we sent it forward to the
18 trustees in dual...

19 MS. DICKSON: If the board chooses to, I
20 think, again, we are in uncharted territory, but the
21 board could adopt this as its own recommendation.

22 CHAIRMAN FREEMAN: I see.

23 MS. DICKSON: But given the way this has
24 come down, I think it is the best practice just to

1 move to the second amendment -- second application.

2 CHAIRMAN FREEMAN: Okay. Okay. Just want
3 to make sure because that was --

4 MS. DICKSON: Yes.

5 CHAIRMAN FREEMAN: Okay. So we'll just
6 leave all that on the table and move on. Okay. Good.

7 So I guess we have four other or three other
8 amendments that we can consider in, I guess, any order
9 now that we've talked about the first one. If you
10 want to move to one that has Home Occupation as
11 opposed to talking about Elder, I don't care.

12 MR. STIEPER: Listen, it's quarter to eleven
13 at night. I'd like to go home. I, you know, this --
14 we've had these ZBA meetings, this rush to do
15 everything, this rush to judgment, this rush of doing
16 stuff without doing any due diligence. You know what,
17 I've got kids. I want to go home. It's 11:00 o'clock
18 at night. What the hell are we doing. I make a
19 motion to adjourn.

20 CHAIRMAN FREEMAN: Well, what did you make a
21 motion --

22 MR. STIEPER: I made a motion to adjourn.

23 MR. WOLFGRAM: Second.

24 CHAIRMAN FREEMAN: Okay. Mr. Wolfgram

1 seconds it. Is there any discussion or can we call
2 the question? All right, I guess you have to call the
3 question. Do we have to complete the agenda, Mary?

4 MS. DICKSON: No.

5 CHAIRMAN FREEMAN: I guess we don't have to.

6 MS. DICKSON: No. You have -- I suppose if
7 we could, Mr. Stieper, before you -- interrupting
8 motion, you have a meeting, regularly scheduled
9 meeting on the 15th. If there are matters that are
10 left from this meeting, are you continuing them to the
11 15th?

12 CHAIRMAN FREEMAN: No.

13 MS. DICKSON: Or will there be, will you
14 announce a different meeting date?

15 CHAIRMAN FREEMAN: Yeah, why don't we do
16 that. So we would notice cancel the 15th and then
17 we'll re-up. Okay.

18 MS. ROSENE: What are we doing?

19 CHAIRMAN FREEMAN: It's just a calendaring.
20 We are canceling September 15.

21 MS. DICKSON: So that the members of the
22 public know that the September 15th meeting is
23 canceled. Any matters that are left on this will be
24 carried over to another meeting.

1 CHAIRMAN FREEMAN: Okay.

2 MR. BENKENDORF: On the October scheduled
3 meeting?

4 CHAIRMAN FREEMAN: Yeah, or we can --

5 MS. ROSENE: Or a special meeting.

6 MS. DICKSON: Or a special meeting.

7 MS. ROSENE: We don't have to determine that
8 now?

9 MS. DICKSON: No.

10 CHAIRMAN FREEMAN: All right. Thank you for
11 reminding me. I was going to forget that. You can
12 call -- can you call the adjournment since it was a
13 made motion.

14 COURT REPORTER: Member Benkendorf.

15 MR. BENKENDORF: Yes.

16 COURT REPORTER: Member Stieper.

17 MR. STIEPER: Yes.

18 COURT REPORTER: Member Wolfgram.

19 MR. WOLFGRAM: Yes.

20 COURT REPORTER: Member Chambers.

21 MR. CHAMBERS: Yes.

22 COURT REPORTER: Member Rosene.

23 MS. ROSENE: Yes.

24 COURT REPORTER: Member Anderson.

1 MR. ANDERSON: Yes.

2 COURT REPORTER: Chairman Freeman.

3 CHAIRMAN FREEMAN: Yes.

4 MR. BENKENDORF: Motion carried.

5 MR. KOSIN: Meeting adjourned.

6 (WHICH WAS AND IS ALL OF THE
7 MATTERS PRESENTED AT SAID MEETING.)

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I, CYNTHIA L. PEESEL, Certified
Shorthand Reporter and Notary Public doing business in
the City of Chicago, County of Cook, and State of
Illinois, state that I reported in machine shorthand
the matters presented at the public meeting of the
Barrington Hills Zoning Board of Appeals on the 17th
day of September, 2014, and that the foregoing is a
true and correct transcript of my shorthand notes so
taken as aforesaid, and contains all the matters
presented at said meeting, to the best of my knowledge
and ability.

Cynthia L. Peesel
License No. 084-002656
September 17, 2014

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