



**Zoning Board of Appeals
AGENDA & NOTICE OF MEETING
TUESDAY, FEBRUARY 20, 2024 6:30 PM
Village Hall
112 Algonquin Road
Barrington Hills, IL 60010**

Audio Options:

- Dial: 312-626-6799 and enter meeting ID 889-5617-0602
- Link: [Zoom Meeting ID 889-5617-0602; Passcode: 849920](#)

1. Call to Order & Roll Call

2. Public Comment

Be advised public comment is limited to three (3) minutes per person. If you are unable to attend, send your comment to clerk@vbhil.gov and it will be forwarded to the ZBA members.

3. Minutes

- 3.1 [Vote] Minutes - December 11, 2023
[12-11-23 ZBA Minutes.pdf](#)

4. Code Modification Discussion - Recreation Vehicles, Renewable Energy and Fence Height

5. Discussion of Possible Additional Code Changes

6. Adjournment

NOTICE AS POSTED

Zoning Board of Appeals Agenda Item Report

Meeting Date: February 20, 2024

Submitted By: Nikki Panos

Submitting Department:

Item Type: Minutes

Agenda Section: Minutes

Subject:

[Vote] Minutes - December 11, 2023

Suggested Action:

Attachments:

[12-11-23 ZBA Minutes.pdf](#)

**VILLAGE OF BARRINGTON HILLS
ZONING BOARD OF APPEALS MEETING**

**Village Hall, 112 Algonquin Road, Barrington Hills, IL
December 11, 2023**

- 1. Call to Order/Roll Call:** The Meeting was called to Order at 6:30 p.m. by Chairman Dan Wolfgram. On roll call, the following Members were present:

Dan Wolfgram, Chairman
Arnold Cernik
John Gigerich
Jim Root
Justin Pawlik
Gina Koertner
Edward Carfora

Absent: None

Staff Present: Anna Paul, Village Administrator
Mary Dickson, Village Attorney
Donald Plodzien, Village Zoning Enforcement Officer

- 2. Public Comment:**

No member of the public sought to comment.

- 3. Approval of Minutes – November 14, 2023 Special Meeting**

Member Gigerich moved, seconded by Member Pawlik, to approve the Minutes of the November 14, 2023 special meeting, as presented.

In discussion Chairman noted a change was needed in paragraph 5. The change will be made as follows:

Administrator Paul will provide a revised red line of the proposed text amendment for further discussion at the next meeting.

On a roll call vote to approve the minutes:

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Dan Wolfgram, Chairman	X			
Arnold Cernik	X			
John Gigerich	X			
Justin Pawlik	X			
Jim Root	X			
Gine Koertner	X			
Edward Carfora	X			

The Motion Carried.

4. VOTE – APPEAL: Veterinary Clinic Use in B3 General Business District

Chairman Wolfram opened the Appeal brought by Blue Beast, LLC seeking to reverse the decision of the Village's Zoning Enforcement Officer, who determined that a veterinary clinic is not permitted in the B3 General Business District. The matter comes before the Zoning Board of Appeals, pursuant to the Zoning Code, §5-10-5, which authorizes an applicant to appeal a decision of the Zoning Enforcement Officer to the Zoning Board of Appeals. This matter was timely filed but has been continued from time to time on the agreement of the applicant and the Village.

All those who would testify were placed under oath.

Zoning Enforcement Officer Donald Plodzien testified that upon request of the applicant, who owns the property at 32W939 Algonquin Road, which is located in the B3 General Business District, he had determined that a veterinary clinic is not a permitted use, as it is not set forth in the list of permitted uses. He states that he does not believe that a Veterinary Clinic is comparable to a medical or dental clinic, which is an allowable use listed in the Zoning Code.

Mr. Plodzien's written opinion was attached to the agenda for the meeting and was publicly available. The opinion was accepted into evidence.

The applicant, represented by its attorney, Terrence McKenna, testified that a veterinary clinic should be permitted in the B3 General Business District, even though not specifically stated, as it is comparable to a medical or dental clinic, both of which are permitted, and, if not in the B3 General Business District, there is no allowance in the zoning code for a veterinary clinic. He testified that the Village Comprehensive Plan, wherein the Village holds itself out as an equestrian community, and is a place for other animals, suggests a veterinary clinic should be allowed in the Village, and yet the zoning code does not permit or allow as a special use a veterinary clinic within its confines. He urged the Zoning Board of Appeals to look to the profession of the individual who will use the property, rather than the clientele to overrule the Zoning Enforcement Officer. A veterinarian is a professional, with an advanced medical degree, just like a doctor or dentist. While the clientele might be different, the profession of the occupant is comparable. The clinic will serve the residents of the Village like a medical or dental clinic, these residents will just be bringing animals for care, rather than securing care for themselves. He testified he reviewed zoning codes from neighboring communities, and they all permit veterinary clinics in the same district as medical/dental clinics.

Members Wolfram and Root questioned whether a clinic would allow boarding. Village Counsel pointed out that the Zoning Code relative to medical and dental clinics contained no regulations as to the use, other than simply stating the uses are permitted. The same would hold true for a veterinary clinic if permitted because it is comparable to a medical or dental clinic. Notwithstanding, Mr. McKenna stated the clinic would not be a boarding facility, although animals might have to remain overnight if a medical procedure required it.

Member Koertner stated she agreed, and that she did not believe a veterinary clinic was the same as a boarding facility.

Dr. Alexis Rosanova, who is the veterinarian who will operate the clinic, testified that a veterinary clinic offers the same medical services that a medical or dental clinic would, only to animals and not humans. For example, services offered would include teeth cleaning, treatment for congestive heart failure, amputations, and other surgeries. The clinic's boarding of animals would be for medical purposes only, and not for general boarding.

At the close of testimony, Member Cernick moved to affirm the decision of the Zoning Enforcement Officer. The motion died for lack of a second.

Member Gigerich moved, seconded by Member Pawlick, to reverse the decision of the Zoning Enforcement Officer, finding that a veterinary clinic should be considered a medical or dental clinic, and thus is a permitted use in the B3 General Business District.

In discussion, Member Pawlick stated that a veterinary clinic is comparable to a medical or dental clinic in that the clinic provides medical care by a trained professional. The property is vacant now, and has been vacant, so to allow the use will benefit the Village by having the property in a permitted use. Member Gigerich stated that he believed it was an oversight in the zoning code that veterinary clinics were not allowed in the Village in any District. Member Root stated the property at issue is unusual, as it is on the edge of the Village and had been vacant for years.

Roll call:

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Dan Wolfram, Chairman	X			
Arnold Cernik		X		
John Gigerich	X			
Justin Pawlik	X			
Jim Root	X			
Gine Koertner	X			
Edward Carfora	X			

The Motion Carried.

5. Code Modification Discussion – Recreational Vehicles And Renewable Energy

Chairman Wolfram opened discussion of the proposed text for allowance of renewable energy sources.

The Members read through the proposed text for renewable energy sources which was provided prior to the meeting. Discussion of the text, and the current Village allowance for solar energy systems was held with Zoning Enforcement Officer Plodzien. Mr. Plodzien reported that the Village has some properties with ground mounted systems already in place area. There is a 20-year life expectancy for such systems. In discussion, ground mounting is generally acceptable to the ZBA however, it should be with screening so as not to affect neighboring properties. Five solar permits were issued in 2023 according to the Permit Report. They are approved as accessory uses and reviewed under the international building codes.

Various changes to the proposed text were discussed. Following discussion, Village staff was directed to confer to determine how solar power systems are currently permitted, and to report back to the Board.

Discussion of the proposed text amendment concerning renewable energy was continued to the next meeting.

6. Discussion of Possible Additional Code Changes

Discussion was held as to whether the ZBA should consider additional code changes, specifically regarding Bulk Regulations, in §5-3-9, regarding fence height. Following discussion, the members concurred that fence height as stated in the code should be increased to six feet, from the existing code allowance for five feet. The discussion also focused on the allowance of berms and whether it is acceptable to increase the height of berms to six feet as well.

[Member Gigerich left the meeting at 8:24 p.m.]

Adjournment

Member Root moved, seconded by Member Pawlik, to adjourn the meeting.

Roll call:

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Dan Wolfram, Chairman	X			
Arnold Cernik	X			
John Gigerich			X	
Justin Pawlik	X			
Jim Root	X			
Gine Koertner	X			
Edward Carfora	X			

The Motion Carried.

The meeting stands adjourned at 8:35 p.m.