

**AN ORDINANCE AMENDING TITLE 5, ZONING REGULATIONS  
SECTION 5-5-3 TO INCLUDE "PROFESSIONAL OFFICE USES"  
IN THE LIST OF ALLOWED SPECIAL USES**

**WHEREAS**, the Village of Barrington Hills (hereinafter the "Village") is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

**WHEREAS**, the Village of Barrington Hills is authorized and empowered, under the Municipal Code and the Code of Ordinances of the Village of Barrington Hills, to regulate properties located within the municipal boundaries of the Village; and

**WHEREAS**, in furtherance of this authorization, the Village of Barrington Hills has adopted a zoning code, set forth in Title 5 Zoning Regulations of the Village's Municipal Code to, among other purposes, effectuate the Village's planning program and to regulate individual property use by establishing use districts, building site requirements, setback, density, parking and height regulations, and by specifying external impact standards for noise, smoke, odor, glare and vibration; and

**WHEREAS**, the Village has established zoning classifications within the Village, which provide for allowable uses and conditional uses in each zoning district; and

**WHEREAS**, Section 5-10-6 of the zoning code of the Village of Barrington Hills authorizes the Village Zoning Board of Appeals to recommend in writing, upon the making of appropriate findings of fact, and the Board of Trustees, to approve amendments to the text of the zoning code; and

**WHEREAS** MKES Investments, LLC, applied for a text amendment to the zoning ordinance to amend section 5-5-3 Special Uses, to include, in the list of special uses, "Professional Office Uses"; and

**WHEREAS**, Notice of Public Hearing with respect to the text amendment was published in the Daily Herald Newspaper in the Village of Barrington Hills, and additional notice of the hearing was provided, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, pursuant to said Notices, the Zoning Board of Appeals of the Village of Barrington Hills conducted a Public Hearing on the text amendment on June 15, 2020 as required by the statutes of the State of Illinois and the ordinances of the Village, and after hearing the application, voted on August 17, 2020 unanimously to recommend that the Village Board deny the text amendment; and

**WHEREAS**, the Zoning Board of Appeals has forwarded its findings and recommendation in regard to the text amendment to the Village Board, in the Findings and Recommendation, attached hereto and incorporated herein by reference as Exhibit "A;" and

**WHEREAS**, the President and Village Board of Trustees has considered the matter and determined that the recommended text amendment to Title 5 Zoning Regulations, Section 5-5-3 be approved, as the text amendment is deemed in the best interests of the Village and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Barrington Hills, a home rule community located in Cook, Lake, Kane and McHenry Counties, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO:** That the text amendment applied for by MKES Investments, LLC to amend Title 5 Zoning Regulations, Section 5-5-3 to include within the list of special uses "Professional Office Uses" is hereby approved.


**SECTION THREE:** That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

**SECTION FOUR:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

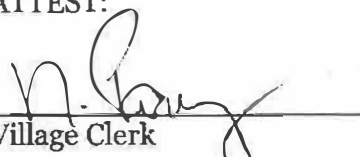
Ayes: 0    Nays: 7    Absent: 0

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Barrington Hills, this 24<sup>th</sup> day of August, 2020.

APPROVED:

  
\_\_\_\_\_  
Village President

ATTEST:

  
\_\_\_\_\_  
Village Clerk

**EXHIBIT A**

August 20, 2020

To: President and Board of Trustees  
Village of Barrington Hills

RE: MKES Investments, LLC  
Application for Text Amendment -  
Special Uses

This is to advise you that the Zoning Board of Appeals (ZBA) held a public hearing on June 15, 2020 regarding a proposed amendment to the zoning code relative to the list of special uses permitted in the R-1 Residential District within the Village.

The proposed amendment was submitted for consideration by MKES Investments, LLC, pursuant to the provisions of Title 5 – Zoning Regulations, Chapter 5 Administration. The hearing was held at Village Hall, where a quorum was present. Notice of the hearing was published in compliance with the Open Meetings Act and the zoning code, and published in a timely manner in the Daily Herald.

The Village Zoning Code, Title 5 – Zoning Regulations, Chapter 5 Administration, Section 5-10-6 allows for amendments to the Zoning Code. For purposes of an amendment to the text of the Zoning Code, the ZBA must make findings of fact and its recommendation to the Board of Trustees in writing, pursuant to section 5-10-6(F), which provides:

F) Findings of Fact and Recommendations of the Zoning Board of Appeals: Within a reasonable time after the close of the hearing on a proposed amendment, the Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendation to the Board of Trustees of the Village. . . .

The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. . . .

**FACTS**

At the hearing, the ZBA heard testimony from the Village Administrator relative to notice of the hearing being properly provided and from the Applicant's representative, Arnold Isakhanian. Mr. Isakhanian testified that the Applicant is the owner of property located at 32W939 Algonquin. The property is currently zoned through a special use permit to permit a nursery school/educational zoned pursuant to a special use permit for use as a day care center. This use has not materialized. However, there has been some interest in the use of the property for a professional office, *ie.*, attorney, accountant, etc. Therefore, the Applicant seeks a text amendment to add professional office uses to the list of uses which could be permitted in the R1 Residential District via a special use permit.

ZBA members expressed their concern that a text amendment would operate Village wide and could allow an intrusion of professional office uses in the residential district, which would have the tendency of commercializing the district.

Resident Joe Riha, 6 Saville Row, Barrington Hills was placed under oath, and commented that he is opposed to the text amendment to allow an office building in the R1 District.

**FINDING**

The ZBA, after having examined the Application for Text Amendment, and hearing the testimony at hearing, determined that the property which leads to the application for text amendment could be best served by a map amendment which would rezone it to a business use. They were concerned with the potential effect the amendment would have on the Village as a whole.

Following the close of the public hearing, Member Goss moved, seconded by Member Hennelly, to approve the application for text amendment made by MKES Investments LLC to Section 5-5-3 Special Uses of the Zoning Ordinance to include, in the list of Special Uses, "Professional Office Uses." On a roll call vote, all members voted "nay," (0-7), resulting in a recommendation to the Village Board that the Application for Text Amendment be denied.

Respectfully submitted,

/s/ Dan Wolfgram

Dan Wolfgram, Chairman  
Zoning Board of Appeals  
Village of Barrington Hills