

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT  
TO ALLOW A NON-COMMERCIAL EVENT FACILITY USE  
AT 789 PLUM TREE ROAD**

**WHEREAS**, the Village of Barrington Hills ("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**, Section 5-10-7 of the Village's Zoning Code authorizes the Zoning Board of Appeals ("ZBA") to recommend, and the Board of Trustees to approve, special uses within the zoning districts of the Village; and

**WHEREAS**, Section 5-5-3(G) of the Village Zoning Code authorizes issuance of a special use permit for Non-Commercial Event Facilities in the R1 District; and

**WHEREAS**, Jeffrey Sanfilippo, owner of 789 Plum Tree Road ("Property"), which is located in the R1 District, has applied for a special use permit to allow a Non-Commercial Event Facility use in accordance with standards set forth in the Village Zoning Code at Section 5-5-3(G)(3) at the Property; and

**WHEREAS**, on September 28, 2021, the Zoning Board of Appeals ("ZBA"), with a quorum present, held a public hearing on the Application, prior to which time a notice of the public hearing was published in a timely manner in the Daily Herald as well as posted at the Village Hall, and individual notice was provided to all property owners as required by the zoning code and notice of said hearing was properly posted on the Property; and

**WHEREAS**, Section 5-10-7(D) of the Village Zoning Code provides that for each application for a special use, the ZBA shall report to the Board of Trustees of the Village its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest; and

**WHEREAS**, Section 5-10-7(E) of the Village Zoning Code establishes standards which the ZBA deems to have been met before it may recommend approval of the special use permit or any amendment thereof; and

**WHEREAS**, at the close of the public hearing, the ZBA adopted the findings promulgated by the Applicant, as set forth in the attached Exhibit A, as to compliance with the standards set forth in Section 5-10-7(E) of the Village Zoning Code, and recommended that the requested special use permit be granted to allow for the use of the Property as a Non-Commercial Event Facility; and

**WHEREAS**, the President and the Village Board of Trustees has considered the matter and determined that the ZBA's recommendation to grant the Application for special use permit for the Property be approved.

**NOW, THEREFORE, BE IT ORDAINED**, by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality the following:

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

**SECTION TWO:** The ZBA's findings of fact and recommendation as set forth in Exhibit A is accepted and incorporated herein by reference.

**SECTION THREE:** The special use permit for the purposes of allowing the Property to be used as a Non-Commercial Event Facility is hereby granted.

**SECTION FOUR:** If any part or provision of this Ordinance shall be held or deemed invalid, such invalidity shall not have the effect of rendering another part or provision of this Ordinance invalid.

**SECTION FIVE:** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

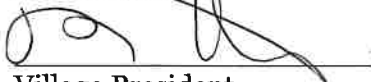
**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 25th day of October, 2021.

Ayes: 6 (Strauss, Riff, Ekstrom, Croll, Konicek, Cecola)

Nays: 0

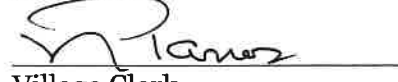
Absent: 1 (Buettner)

APPROVED:



Village President

ATTEST:



Village Clerk

**EXHIBIT A**

**ZBA FINDING OF FACTS**

October 15, 2021

To: President and Board of Trustees  
Village of Barrington Hills

RE: Sanfilippo Application for Special Use  
Non-Commercial Event Facility

This is to advise you that the Zoning Board of Appeals (ZBA) held a public hearing at a special meeting held on September 28, 2021 regarding an application for Special Use Permit filed by Jeffrey T. Sanfilippo ("Applicant") for the Property located at 789 Plum Tree Road, PINS 20-29-126-014, -015; -016; -017; -018; 20-29-127-002; -003; 20-29-176-002 and 20-29-176-005 ("Property").

The Applicant seeks the special use permit pursuant to the Village Zoning Code, Section 5-3-3(G) providing for Non-Commercial Event Facilities so long as the facility meets the standards set forth in Section 5-3-3(G)(3).

Notice of the hearing was published in a timely manner in the Daily Herald as well as posted in the Village Hall. Proof of individual notice, by registered mail, return receipt requested, was submitted for property owners within 250 feet as recorded in the office of the appropriate tax assessor, and the notice of the hearing was properly posted on the Property.

All witnesses were placed under oath for purposes of the public hearing.

**FACTS**

At the hearing in this cause, witness Anna Paul, for the Village, testified relative to notice of the hearing.

Applicant Jeffrey Sanfilippo testified in support of the application, stating that since the 1990s, his parents allowed use of the Property for charitable purposes, by allowing charities to host events at the Property. The Property itself is a draw for these charities in that it features antique collections of note. The intent in applying for the special use permit is to allow his parents' legacy to continue, which benefits both the charities and families in the Village. The Applicant does not intend to expand on the current charitable use of the Property, or to host bigger events.

Andrew Kolb, attorney for the Applicant, testified that the application for special use is in compliance with the recent text amendment to the zoning code which provides for non-commercial event facilities of this type. Mr. Kolb also testified to the notice provided for the hearing and tendered proof of certified mailing to adjacent properties. Mr. Kolb directed the ZBA members to the Application, which sets forth background for the Application, and the facts requisite for the special use permit to be granted, and which also contains a traffic management plan, noise evaluation, and photometric information. A rider attached to the application was submitted into the record of the hearing.

Gregory Leifel, the Director of the Sanfilippo Foundation testified that he met with Police Chief Colditz and the Fire Protection District to ensure that use of the Property was appropriate for both safety and traffic planning. He further testified to the impact on charitable funding the use of the Property has had, hosting over the years events for greater than 300 charities. He stated that even during the pandemic, when events were not taking place, music machines and carousel are required to be run almost every day for maintenance and is not aware of any complaints received during that time. A report prepared in support of the charitable use of the Property was submitted into the record.

Text Amendment – Special Use – Sanfilippo Non-Commercial Event Facility  
EXHIBIT A: Findings of Fact – October 15, 2021

Rusty Hernandez, Mr. Sanfilippo's spouse and a resident of the Property testified that in recent years, the use of the Property has come into question, and in response, he testified that the Foundation does not provide alcohol, food, tickets, or casino gaming at the Property. Use of the vintage gaming machines is offered for entertainment, but not for monetary gain. The carousel on site is fully permitted in accordance with State law.

Dr. Tom Thunder, a sound engineer, who was engaged by the Applicant to study sound emanating from the Property testified that the use of the Property is compliance with the Village's noise ordinance.

Various residents spoke in favor of the Application and of the Sanfilippo family's role in the community. Sharon Meroni, 1 West Surrey Lane, testified in opposition to the Application. She stated she lives directly across from the Property and the use of the Property impacts the quiet enjoyment of her own home.

### **FINDINGS/RECOMMENDATION**

The ZBA reviewed the facts as set forth by the Applicant, and the testimony of residents both in favor of and opposed to the Application. After having examined the facts as presented and taking into consideration the testimony set forth during the public hearing, the ZBA voted to recommend approval of the Application, on a vote of 5-0, with 1 member absent and 1 abstaining, adopting the facts set forth by the Applicant as attached hereto.

Respectfully submitted,

*/s/ Daniel Wolfgram*

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Chairman  
Zoning Board of Appeals  
Village of Barrington Hills