

**MINUTES OF THE MEETING OF THE ZONING PLANNING & APPEALS  
COMMISSION OF THE VILLAGE OF METTAWA, LAKE COUNTY, ILLINOIS,**

**HELD AT THE HOUR OF 7:00 P.M. ON TUESDAY DECEMBER 01, 2015  
IN THE COTTONWOOD ROOM OF THE HILTON GARDEN INN,  
26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS**

**I. CALL TO ORDER**

Chairman Krusinski called the meeting to order at 7:02PM.

**II. ROLL CALL**

Upon a Call of the Roll, the following persons were:

Present: Commissioners Bohm, Hirsch, Meluso and Chairman Krusinski

Absent: Commissioners Busscher, Leonard, and Pickell

Chairman Krusinski declared a quorum present.

Also present: Colleen Liberacki, Deputy Village Clerk; Village Administrator Bob Irvin and Village Attorney Gregory T. Smith of Klein, Thorpe & Jenkins, Ltd.

**III. APPROVAL OF MINUTES: SPECIAL MEETING JULY 29, 2014**

It was moved by Commissioner Bohm, seconded by Commissioner Meluso to approve the minutes from the Special Meeting of July 29, 2014.

Upon a call of the roll the following voted:

Aye: Commissioners Bohm, Hirsch, Meluso and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried and placed the minutes on file.

**IV. CALL OF CASES:**

- A. PUBLIC HEARING: CASE NO. 15-SU-S-1: 14157 Riteway Road - Application of Tim Farmer and Amy Towne for an amendment to an existing to a Special Use Permit (issued April 2000) to allow the Applicant to expand and operate a large stable, build a storage facility and outdoor arena and conduct a hunter, jumper & frainer Facility business and related entitlements, in the R-1 Single Family Residence District.**

1. Chairman Krusinski called the Public Hearing to order at 7:10 PM

Present: Commissioners Bohm, Hirsch, Meluso and Chairman Krusinski

Absent: Commissioners Busscher, Leonard, and Pickell

Chairman Krusinski declared a quorum present.

Verbatim minutes of the Public Hearing have been taken by Cynthia A. Pavesich & Associates, certified court reporters of Chicago, Illinois, a transcription of which

shall be placed on file in the Village Clerk's office.

Chairman Krusinski made opening remarks stating the expectations and functions of the Commission.

Chairman Krusinski further noted that the case arises from an application filed by Tim Farmer and Amy Towne for an amendment to an existing to a Special Use Permit to allow the Applicant to expand and operate a large stable, build a storage facility and outdoor arena and conduct a hunter, jumper & trainer facility business and related entitlements, in the R-1 Single Family Residence District.

Chairman Krusinski stated for the record that notice of the hearing on Case No. 15-SU-S-1 was published in the Daily Herald on November 6, 2015, in the manner required by law. The Village Attorney has the newspaper's certificate of publication, which is admitted as the Commission's **Exhibit #1**.

The following were sworn in as testifying on behalf of the Applicants:  
John Helander, attorney-at-law of Highland Park, Illinois and applicants: Tim Farmer and Amy Towne of 14157 Riteway Road, Mettawa, Illinois.

Three people in the audience filed as objectors, who were also sworn in: Pamela Fantus and Dr. Richard Fantus of 14253 W. Riteway Road, Mettawa, Illinois; Dan Shapiro, attorney-at-law of Northbrook, Illinois representing the homeowner residing adjacent (west) of the Applicants.

John Helander, attorney for the Applicants, presented the Village Clerk with copies of the notices sent to residents within 1,000 feet of the property and receipts of delivery. They were entered into the record as **Exhibit #2**.

Mr. Helander also requested that the petitions signed by local residents in support of the special use permit and submitted be entered as **Exhibit # 3**. Amy Towne presented their request and then went through her family's equine history and the reasoning behind their requests. She stated that she had a long and active history in the equine industry both as a rider and competitor and now as an instructor. The indoor facility is necessary due to training requirements during the winters, as well as the storage and outdoor arena is integral to her business of a hunter, jumper & trainer facility, and her family lives on site. She stated she had many long-term clients from the village and north shore area that she wished to keep serving.

She stated the reason for this application was that their cooperating relationship with Shadowbrook Farm across the road, which housed many of their horses had changed, due to the recent sale and they were currently leasing 30+ stalls for horses, which she would like to relocate over to her property.

During the presentation, Tim Farmer passed out packets of information in support of

their application, which included an outlined plat, proposed outdoor arena, barn expansion, detailed site planning (by Pearson Brown), which comprised of 4 turnout pastures and 5 lots. He noted that the storage facility was 1,920 square feet, and the indoor arena was 21,600 square feet and planned to downsize and consolidate the Shadowbrook Farm horses and their current horses by converting their 11 stall barn into a 21 stall barn on their 5 acre lot. The accompanying photo was entered into the record as **Exhibit #4**.

Tim Farmer passed out printout of a Google map photo of an aerial view of the property (entered into the record as **Exhibit #5**), noting how it would all fit in and called attention to the architectural elevations, floor plans for the arena (14,000 square feet). Tim Farmer shared additional photos of the exterior and interior of the existing facility as it has been for the last 10 years, which were entered into the record as **Exhibit #6**. He and John Helander offered to answer any questions.

Chairman Krusinski asked if there were any questions of the Applicants from the Commissioners. Commissioner Meluso asked about the disposal of manure, to which Tim Farmer replied that they had a large dumpster that was emptied by Lakes Management Disposal on a regular basis, once the dumpster reached full capacity. Commissioner Meluso inquired if the homeowner view to the south would be affected by this expansion, to which Tim Farmer replied that a berm was created to block the view of the impending structure and landscape screening was being planned.

Commissioner Bohm inquired if there was another R-1 property that had similar square footage of buildings in Mettawa, to which Tim Farmer replied that Always Faithful Stables would be a comparison. Commissioner Bohm further inquired if the residential property to the west was still a viable commercial operation, to which Helander replied that they had no knowledge either way. Commissioner Bohm inquired if they had stable help, to which Amy Towne replied that there was no additional housing on site for stable help. Commissioner Bohm inquired if there was a septic system planned for all the additional structures, but was informed no additional bathroom facilities or septic system was planned.

Commissioner Hirsch inquired if there were showings or other events on their property, to which Amy Towne replied that she and all clients travel to all events, and no showings or competitions occur on her property. Commissioner Hirsch inquired about the client base, and Amy Towne replied that her clients largely come from the village, Lake Bluff and Lake Forest as well as the North Shore area.

There was a question about drainage, to which Tim Farmer or Helander did not have an answer, stating that they would hire an engineer to address the issue and comply with Village requirements.

Chairman Krusinski chose to defer his questions until later in the hearing. Dr. Richard Fantus of 14253 W. Riteway Road, Mettawa, Illinois, spoke against the

issuance of an amendment to an existing to a Special Use Permit and outlined the reasons for such. He highlighted the following facts: the alluded 4 acre parcel across the road at Shadowbrook Farm the horses used was actually 15 acres; there was no vegetation on the berm to screen his view; he firmly objected to the building proceeding on the north lot line, and the applicant never obtained a permit prior to the construction work starting; he noted that the applicants were operating a business in a residential area; Dr. Fantus quoted the Mettawa 2011 Strategic Plan for the village and outlined the conflict this amendment to an existing to a Special Use Permit for equine expansion would cause, along with its accompanying building structures.

Dr. Fantus further noted that this would be setting a bad precedent and have a negative impact on the real estate values and in conflict with the 15% structure square footage maximum allowed on the total square footage of Mettawa R-1 lots. He further noted that the applicants' plans called for a total of 4 driveways, when only 2 were allowed on the parcel and felt in contrast to the Always Faithful Stables as a comparison, their 22-acre site was done tastefully. Dr. Fantus stressed that the density of horses anticipated in their plan excessively exceeded the 5 horse per 5 acre parcel (40,000 square feet each) set forth by the Village Code and has not been previously allowed.

Pamela Fantus spoke and agreed with what Dr. Fantus had said, and in addition noted that they are one of the tax payers who pay full residential zoned taxes in comparison to those who have horses and their property zoned agricultural, which those homeowners are benefited with a tax discount. She also was concerned about the residential real estate value and felt it would be harder to sell their home if it was located next to a business.

Dan Shapiro, attorney representing the homeowner residing adjacent (west) of the Applicants presented the commission with a letter detailing his concerns and objections, reminding the commissioners that the burden of proof lies with the applicants about meeting the standards for special use. This letter and its supporting data was entered into the record as entered into the record as **Exhibit #6**. Shapiro pointed out that the applicants' presentation to this point did not achieve the standards set forth for special use, in fact noting that there was twice the number of horses present that are normally allowed and now they want to increase the horse population to four times what is normally allowed.

Shapiro further stated that the building structure square footage would violate the impervious surface village code and no hardship has been stated. Shapiro pointed out that the request was incomplete and did not provide supporting data for the variance requested, nor a request for a sign, nor a plan for the parking spaces needed for such a business. He advised the commission that a terrible precedent would be established and that the size of the outdoor riding arena was very large and no mention of why such size was appropriate for the parcel size. Shapiro further stated

that the noise, odor, increased traffic of clients and employees, as well as vets and the ensuing horse trailers were not even considered, but would have a negative impact on the residential area.

Shapiro and Amy and Tim Farmer exchanged dialog about the details of the Shadowbrook Farm acreage – stating that although it is 20 acres of overall property, they were leasing 4 acres and really had access to 11 acres, which was across the street. Tim Farmer insisted that the planned building structures would still be under the 15% maximum structure coverage set forth by the Village Code. He stressed that the business was downsizing, consolidating and wished to move it all on their 5 acre parcel. Helander added that the site plan could be adjusted to meet the compliance issues of village code regarding the egress, drainage and storm water management. He further noted that the outdoor area is in an area considered agricultural and the surface would not be impervious.

Dr. Fantus was willing to furnish a picture of the flooding in said area that was taken just last week-end, noting that an accessory building could not occupy more than 5% of the parcel square footage and the flooding would negatively impact his property. He stressed that this was a rural residential property and much of the work was done before the 11/5 and 11/7 site plans were created. Chairman Krusinski clarified that Ordinance 422 issued 4/24/2000 legally granted allowance of non-conforming use and did not have anything to do with the present petition. Both Amy and Tim Farmer stated that they had not used the 11 stall barn, since they worked at Shadowbrook Farm.

Chairman Krusinski inquired of the hardship condition that would necessitate a 21,000 square foot building, to which Helander answered that the winter months were too cold for exercising the horses and an indoor arena was needed. Commissioner Bohm inquired if horses were boarded on applicant's property, to which Amy Towne replied that yes, they used the 11 stalls. Chairman Krusinski noted confusion on drawings about details: 1) total number of parking spaces not designated, to which Tim Farmer replied that they were not specified yet; and 2) visitors with cars and trailers, traffic activity and toilet facilities. Helander stated that there were no meets conducted on the property. Amy Towne stated that the most traffic occurred outside of school hours: between 4:30 – 6:00PM, which totaled 6 or 7 cars; and they offered their house as bathroom facility, since they had two bathrooms.

Chairman Krusinski inquired if the utilities were adequate for the new suggested structure, to which Tim Farmer replied that it would be engineered accordingly to the village code. Chairman Krusinski noted it was not clear if the present barn was being demolished to accommodate the new building and that the new building would encroach upon the 50ft setback line. Tim Farmer replied that he would ask for a variance to accommodate the utilities. Chairman Krusinski was concerned about the location of the utilities in the 50ft setback, to which Tim Farmer replied that he would move the building back to accommodate the utilities installation and setback

requirement. Attorney Greg Smith advised that Section 2 C stated no sign was allowed and the applicant would need to adjust their variance request. Dan Shapiro questioned how in regards to Ordinance 422, the applicant would meet the special use permit. Dr. Fantus cautioned that the math was inaccurate for the current structure of a 12x12 and 10x12 square foot structure, which equaled 1,387 square feet could house 11 horses.

Chairman Krusinski asked if there were any questions from the audience and offered the applicants the option of deferring the hearing decision due to the late submission of Dan Shapiro's letter, to which Tim Farmer replied that they were ready to proceed. Commissioner Bohm questioned Greg Smith about the liability of setting a precedent with approving a commercial business in a R-1 zoned parcel. Greg Smith replied that each situation would be judged individually on its own merit, but other situations would be taken into account if the applicants were substantially similar in all relevant aspects.

Commissioner Bohm inquired if this type of special use permit had been previously allowed, to which Tim Farmer quoted: in 2000, Springfield Stables 17 acres/70 horses; White Birch Farm 13 acres/36 horses and in 2006 Deerpath Farm 4.7 acres/43 horses. Chairman Krusinski corrected Farmer and noted a PUD was in existence and with 200 acres involved, a concept of developing 40 one acre lots and open space was planned.

Dr. Fantus noted that some of this was unincorporated area and Chairman Krusinski asked if Dr. Fantus would offer his material as evidence, which was entered into the record as **Exhibit #8**.

Chairman Krusinski asked if there were any questions or last comments from the audience and at 9:08 pm declared the Public Hearing closed and the commission members were encouraged to debate and deliberate the merits of the case.

## 2. DELIBERATION AND RECOMMENDATION:

Attorney Greg Smith advised commission members to consider if all or any standards met and based on those answers to decide to grant or deny the application. Commissioner Meluso had concerns about the surrounding homeowners' viewpoint, the remaining impervious surface after all construction was completed and the resulting impact of drainage across the property. Chairman Krusinski noted that final engineering had to be addressed, as no answers were provided at the hearing.

Commissioner Bohm voiced concerns about setting precedent, the number of horses to be located on a 5 acre lot and the fact that the applicant started the grading process before a special use permit was initiated. He was also concerned about the impact to the rural feel of the village. Chairman Krusinski was unclear about the number of

parking stalls required and the code was not clear. It was important the building was setback 50' and since this is a corner lot, there would be no parking on the front and side lots, per village ordinance. Chairman Krusinski further questioned the lack of adequate additional toilet facilities for the size and construction of a 21 stall barn and listed other considerations. He felt that much was subject to engineering review.

Chairman Krusinski attempted to craft a motion that could be voted on, so that a decision could be made to grant or deny the special use permit application. Bob Irvin questioned if the 50'ft setback would reduce the size of the outdoor arena, since the arena would bump right up to the setback and it was now over the setback line according to the site plan. Commissioner Bohm inquired if the application was denied, could the conditions be recreated for approval, to which Chairman Krusinski advised that the applicant could go to the Board and present its case with revisions, that it was just the job of the Zoning, Process and Appeals Commission to review the testimony. Commissioner Meluso noted that landscaping screen would be included to block the homeowners' view of the barn. Dan Shapiro reminded the commission members of his concern that the special use standards were not met as evidenced by the testimony and that it was the burden of the applicant to do so. Dr. Fantus quoted Section 15.1.05 which stipulated 5% maximum coverage for accessory building limitation, which would be 10,000 square feet, and the arena alone was 21,600 square feet. Chairman Krusinski replied that this was the nature of the hearing.

It was moved by Commissioner Meluso, to approve the following motion as stated by Chairman Krusinski, to recommend approval of the application for an amendment to the Special Use Permit (dated 4/24/2000) to allow construction of a 21 horse stall barn including indoor riding arena, outdoor riding arena and storage facility in accordance with revised plans, subject to the following conditions:

- 1) All structures on the property are located outside the 50' side yard setback subject to review of appropriate engineering, permit requirements, lighting design.
- 2) Adequate landscape screening is installed on the south side of the property.
- 3) No parking shall be located in the front yard or side yard.
- 4) The property may have a sign no larger than 6', the design of which would be approved by the Village Engineer.

There was no second to the motion, and Chairman Krusinski declared that the motion died for lack of a second.

It was then moved by Commissioner Hirsch, seconded by Commissioner Bohm, to recommend denial of the application.

After discussion and upon a call of the Roll, the following voted:

Aye: Commissioner Bohm, Commissioner Hirsch and Chairman Krusinski

Nay: Commissioner Meluso

Chairman Krusinski declared the motion carried

It was then moved by Commissioner Bohm, seconded by Commissioner Hirsch to authorize Chairman Krusinski to draft, sign and forward to the President and Board of Trustees a Report of the Zoning, Planning and Appeals Commission containing Findings of Fact and their Recommendation regarding Case No. 15-SU-S-1.

After discussion and upon a call of the Roll, the following voted:  
Aye: Commissioner Bohm, Commissioner Hirsch and Chairman Krusinski  
Nay: Commissioner Meluso

Chairman Krusinski declared the motion carried and the matter adjourned.

B. PUBLIC HEARING: CASE NO. 15-A-1: Application by the Village of Mettawa for a comprehensive Zoning Map amendment regarding the OS Open Space district.

1. CONSIDERATION OF TENTATIVE REPORT REGARDING THE APPLICATION

Village Attorney, Greg Smith presented a tentative report following up on an Approved Ordinance 756 "An Ordinance Amending Chapter 15 of the Mettawa Code of Ordinances in Relation to the Creation of an Open Space District". The purpose of the report being the rezoning of certain parcels of property in the Village to the Open Space District and asked the Commission members to consider and accept the report as part of making a recommendation on the Proposed Map Amendment to be acted on by the Corporate Authorities.

It was then moved by Commissioner Bohm, seconded by Commissioner Hirsch to accept the Tentative Report in Case No. 15-A-1.

After discussion and upon a call of the Roll, the following voted:  
Aye: Commissioner Bohm, Commissioner Hirsch, Commissioner Meluso and Chairman Krusinski  
Nay: None

Chairman Krusinski declared the motion carried.

2. Chairman Krusinski called the Public Hearing to order at 10:08 PM

Present: Commissioners Bohm, Hirsch, Meluso and Chairman Krusinski  
Absent: Commissioners Busscher, Leonard, and Pickell

Chairman Krusinski declared a quorum present.

Chairman Krusinski stated for the record that notice of the hearing on CASE NO. 15-A-1 was published in the Daily Herald on November 6, 2015, in the manner required by law. The Village Attorney has the newspaper's certificate of publication,



which was admitted as the Commission's **Exhibit #1**.

One person in the audience filed as objector, Thomas Hines.

Village Administrator, Bob Irvin presented the secretary with notices sent to residents within 1,000 feet of the property and receipts of delivery. This included the Homeowner Association known as The Enclave, the Village of Mettawa and the Lake County Forest Preserve District. They were entered into the record as **Exhibit #2**. Bob Irvin further furnished a letter from The Enclave at Hamilton Estates Homes Owners Association, outlining their support of this amendment, which was admitted as the Commission's **Exhibit #3**. Bob Irvin shared a conversation (prior to 10/26/15) he had with Ty Kovach, Executive Director of the Lake County Forest Preserve District, who was supportive of the rezoning of the Forest Preserve District's properties into the Open Space District amendment.

Village Attorney Greg Smith noted that this amendment was supported by the Village of Mettawa Land Use Plan, the culture of open space and this would further the mission of the Village. Commissioner Bohm expressed his agreement as well, noting that the Village needed to add more protection of the open space, since they were largely zoned R-1. Chairman Krusinski recalled the public hearing long ago, which described the intent of the Village to preserve open space.

Sole objector, Thomas Hines inquired if the public had access to said document, as he wanted a copy. Village Attorney Greg Smith replied that he could have a copy and Village Administrator Bob Irvin advised Thomas Hines that the ordinance had been on the Village website for the past year and was easily accessible to all. Village Attorney Greg Smith summarized the report and all Commissioners were in agreement that the Village would be well served by rezoning the properties in question into the Open Space District. Chairman Krusinski declared the public hearing closed at 10:30PM.

### 3. Deliberation and recommendation on the Application.

Commissioner Hirsch cautioned about the criteria for use or development must be considered by the ZPA with a site plan. Commissioner Bohm inquired if trustees could approve a change to the zoning without coming to the ZPA, to which Village Attorney Greg Smith replied that all parties must come to the ZPA for requested changes, as these parcels were now being zoned as open land.

It was then moved by Commissioner Hirsch, seconded by Commissioner Meluso to recommend approval to the Village Board the Application for a comprehensive zoning map amendment regarding the OS Open Space District regarding Case No. 15-A-1.

After discussion and upon a call of the Roll, the following voted:

Aye: Commissioner Bohm, Commissioner Hirsch, Commissioner Meluso and

Chairman Krusinski  
Nay: None

Chairman Krusinski declared the motion carried.

It was then moved by Commissioner Bohm, seconded by Commissioner Hirsch to authorize Chairman Krusinski to draft, sign and forward to the President and Board of Trustees a Report of the Zoning, Planning and Appeals Commission containing Findings of Fact and their Recommendation regarding Case No. 15-A-1.

After discussion and upon a call of the Roll, the following voted:  
Aye: Commissioner Bohm, Commissioner Hirsch, Commissioner Meluso and Chairman Krusinski  
Nay: None

Chairman Krusinski declared the motion carried

V. COMMUNICATIONS: None Presented

VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES: None Presented

VII. OLD BUSINESS: There was no old business to be discussed.

VIII. NEW BUSINESS

Village Administrator Bob Irvin had an additional suggestion for the new map. He noted that some R-1 district areas were smaller than the 5 acre PD and he wanted to add them to the new map.

Bob Irvin advised that he believed there to be another application in the works for an amendment for special use from a homeowner located at Old School Road and Riteway Road and wondered if there would be a quorum in January. Both Chairman Krusinski and Commissioner Hirsch advised that they would not be available for the January meeting, however Chairman Krusinski thought that a Chairman Pro Tem could run the meeting.

IX. ADJOURNMENT

With no further business to discuss, it was moved by Commissioner Bohm, seconded by Commissioner Hirsch that the meeting be adjourned.

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 10:38PM.

Colleen Liberacki, Deputy Village Clerk