

*Village of Barrington  
Zoning Board of Appeals  
Minutes Summary*

Date: November 12, 2019

Time: 7:00 p.m.

Location: Village Board Room  
200 South Hough Street  
Barrington, Illinois

In Attendance: Anna Markley Bush, Chairperson  
Dan Hogan, Vice-Chairperson  
Robert Windon, Commissioner  
Joann Lee, Commissioner  
Richard Ehrle, Commissioner  
Susan Ferry, Commissioner

Staff Members: Andrew Binder  
Jennifer Tennant

**Call to Order**

Chairperson Bush called the meeting to order at 7:00 p.m.

Roll call noted the following: Robert Windon, present; Richard Ehrle, present; Jeff Anderson, absent; Susan Ferry, present; Joann Lee, present; Vice-Chairperson Dan Hogan, present; Chairperson Anna Markley Bush, present.

There being a quorum, the meeting proceeded.

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**Other Business**

**2020 Zoning Board of Appeals Meeting Schedule**

The Commissioners reviewed 2020 Zoning Board of Appeals Meeting Schedule. After review, a voice vote noted all ayes, and Chairperson Bush declared the schedule approved.

**New Business**

**ZBA 19-03: Massage Establishment Special Use (141 S. Northwest Highway, Unit B)**

**PETITIONER:** Hong Li  
406 Buchanan Ct  
Vernon Hills, IL 60061

**PROPERTY OWNER:** William Terman (Bitco Realty LLC)

855 Sheridan Rd  
Highland Park, IL 60035-4703

The Petitioner is requesting approval of a Special Use for a Massage Establishment in the B-1 General Business Service District. The proposed Special Use will be located in 141 S. Northwest Highway, Unit B. The Petitioner is proposing that this massage establishment consist of six private massage rooms and will provide multiple types of massages.

Hong Li and Grace Yu, the applicant and the real estate agent, both presented the special use request to the ZBA. Grace indicated that the massage business will be focuses on body and foot massages. Grace indicated that there will be two employees at this business location and both employees will be licensed massage therapists. Grace anticipates the business will open in March of 2020. The space does need a minor renovation. Grace indicates that they have a similar business in Lake Zurich and Palatine. Grace indicated that their hours are from 10 am to 9pm seven days a week. Grace Yu indicated that she has read the Staff Report and guarantees that no illegal activity will occur like the similar massage business that was closed due to violation.

Chairperson Bush reminded the applicant that there are multiple massage businesses within the Village of Barrington.

Grace Yu stated that they have done some research and there is no similar type of business within the area of the new business.

Chairperson Bush asked who will be the owner of the business.

Grace Yu indicated that Hong Li will be the owner and that she is the realtor for Hong Li.

Commissioner Lee asked Hong Li how long her business has been in Lake Zurich and in Palatine.

Grace Yu responded that the Lake Zurich massage business has been open since 2015 and the Palatine business has been open for one month.

Mr. Binder presented the Staff Report. He presented that Massage Establishments became a Special Use throughout the Village's business districts in 2015 as this zoning change was due to concerns about illegal activity and code compliance issues. There are currently 14 licensed Massage Establishments in the Village, not including medical offices and/or chiropractic offices that offer massage services. Staff feels that the proposed business does not meet 5 of the 18 Special Use standards.

Mr. Binder explained that Staff finds that the proposed massage establishment will significantly diminish the safety, use, and enjoyment of surrounding properties because of several instances of illegal activity involving massage services in the Village, as there is concern about the impact on public safety for the surrounding properties and for the Village as a whole. Although Massage Establishments are licensed by the Village and massage therapists are licensed through the State of Illinois, there are still instances of illegal activity which have occurred in the Village, including a number of recent cases. Even with these measures in place, there are still

compliance issues that arise. Staff finds that the approval of a new Massage Establishment within the Village at this time has the potential to create a safety concern in the community.

Mr. Binder indicated that Massage Establishments do require a significant amount of additional Village services due to necessary oversight measures, including annual code compliance inspections, police compliance checks, and annual licensing. Due to documented instances of illegal activity and code compliance issues involving other massage establishments previously operated within the Village, Staff finds that the current oversight of existing massage establishments already utilizes a disproportionate amount of Village services compared to other permitted uses in the B-1 District. With the amount of oversight needed for massage establishments, Staff finds that the proposed Special Use will create an additional public expense for public services due to the need for annual inspections, licensing, and compliance checks. The approval of the proposed Massage Establishment would require additional Village services to be expended, which are already disproportionate in relation to the number of Village services expended to oversee other permitted uses in the Village. It's worth noting that the Petitioner has stated that the business will provide a similar service to that of Chinese Massage, which was a business located nearby at 654 S. Northwest Highway and which has closed down in July after being cited for multiple Village Code and Zoning Ordinance violations. Staff finds that the approval of an additional Massage Establishment within the Village at this time will require a significant amount of additional Village services and additional Village funds.

Mr. Binder indicated that the Petitioner has not provided any evidence that suggests that there is a community need for another massage establishment of this type. The Village currently has fourteen (14) licensed Massage Establishments and the proposed business would offer massage services in a market that is already well saturated for this type of use within the Village. Staff believes the overall community need for massage establishments has already been met and the Petitioner has not shown that there is any real community need for the establishment of another business of this type within the Village at this time. Mr. Binder stated that taking into account all the information that was provided, Staff is recommending denial of ZBA 19-03, a Special Use for a Massage Establishment at 141 S. Northwest Highway, Unit B.

Vice-Chairperson Hogan asked if the petitioners are involved with any other massage businesses.

Mr. Binder said that they are not involved.

Vice-Chairperson Hogan questioned if one of the massage business that closed down, if that was counted within the 14 massage establishments within Barrington.

Ms. Tennant indicated that the business that closed down did not have a massage license and is not counted toward the 14 massage establishments.

Vice-Chairperson Hogan said 14 massage establishments is a shocking number and does not even recall where most of them could be located within the Village.

Chairperson Bush asked if the massage business was closed down due to illegal activity.

Ms. Tennant confirmed.

Vice-Chairperson Hogan asked about the process of massage establishments that have been cited and how they are able to obtain a new license.

Ms. Tennant said that establishments that have been cited do not usually intend to be reopen and not sure how the license to be processed.

Vice-Chairperson Hogan asked how many of the 14 massage businesses have been cited.

Ms. Tennant indicated that none of the 14 establishments have been cited that the Village is aware of.

Commissioner Windon asked how many establishments have been cited in the past.

Ms. Tennant confirmed that 3 or 4 massage establishments have been cited in the past and have closed.

Commissioner Lee asked Staff to elaborate on illegal activity.

Ms. Tennant explained the previous illegal activity of the past massage establishments that have been cited.

Commissioner Windon expressed that he understands Staff's concerns but feels that based off Staff's recommendation that no further massage establishment shall be approved in the future and it should be removed as a Special Use. He continued to explain the need to allow for an avenue to allow these types of Special Uses to get approval such as fees or requirements. He then asked what kind of assurances or requirements have Staff asked the Petitioner on the Special Use and then also asked what has the Village done to help over populated like businesses.

Ms. Tennant stated that given the most recent issue, the Village has looked into what can be done from a Village standpoint to control these type of uses better which may require more from these businesses to ensure compliance. She continued that the Village is looking into and researching the need to maybe increasing licensing fees for massage establishments or increasing the number of compliance checks with the Police department.

Commissioner Windon asked if the Village has talked with Lake Zurich about any potential issues or concerns with the petitioners business in Lake Zurich.

Ms. Tennant stated that Barrington Police Department has been in contact with the Lake Zurich Police Department.

Vice-Chairperson Hogan asked about the surrounding businesses for this site.

Mr. Binder gave an overview of the existing surrounding businesses.

Ms. Tennant noted that a previous Special Use for a massage establishment provided multiple letters from clients documenting the need for the use. Even though Staff recommended denial, the ZBA approved the Special Use based on the community need and feels this current massage Special Use does not meet the community need.

Commissioner Lee asked when was the last approved massage establishment.

Ms. Tennant said the last one was approved in 2018 and provided an extensive documents showing a community need for the Special Use approval.

Ms. Tennant continued that the Barrington Police Department has expressed their concern that massage establishments are becoming more prolific.

Commissioner Ehrle asked on how long the property has been vacant.

Chairperson Bush indicated that Sean Casten's election office was in the space not too long ago.

Commissioner Lee asked if a similar proposal were to be presented in the future, would there be the same recommendation.

Ms. Tennant confirmed, unless other Village policy changes were made to better control or manage these type of businesses.

Vice-Chairperson Hogan asked about increasing the fees for massage establishments.

Ms. Tennant explained that the Village is looking into options to help offset the costs of the compliance checks with increased licensing fees.

Chairperson Bush asked for any public comments then continued with a discussion by the commissioners.

Vice-Chairperson Hogan started by saying that is difficult and wrong to prejudge someone based on the illegal activities of others. Commissioner Windon agreed.

Commissioner Lee said she had a problem with the number 14 and does not believe there should be cut off number based on existing massage establishments.

Commissioner Ferry stated that she feels 14 massage establishments is a lot and the 14 counted does not include medical offices that have the same services.

Commissioner Windon stated that he does not think the amount of massage establishments is the issue, but more of the illegal activity that may come of these uses and the extra police work that may be needed.

Chairperson Bush expressed that she is concerned based on the fact that this proposed business is comparing themselves to a massage business that did close for illegal activity.

Commissioner Lee has asked that the Petitioner provide information on the Lake Zurich business.

Grace Yu explained the current massage business in Lake Zurich and addressed that there is no issues or concerns.

Vice-Chairperson Hogan asked Grace Yu if the business in Lake Zurich has had any violation or citations.

Grace Yu indicated that they have not had any in the past.

Commissioner Ferry asked the Lake Zurich business location. Chairperson Bush asked for the location in Palatine.

Grace Yu said the businesses are located on Rand Road in Lake Zurich and in downtown Palatine.

Commissioner Windon stated that he would love if Staff would talk to Lake Zurich to provide more information about their current massage business in Lake Zurich. He continued that the Village should also rethink massage establishment as Special Uses because there may be better approach for these type of approval of massage uses.

Chairperson Bush asked if Staff needs more time to review the matter.

Ms. Tennant stated Staff does not need more time but if the Commissioner wants Staff to provide more information, they are willing to do so.

Chairperson Bush asked if there could be more information provided on the number of violations of the Petitioner's other massage businesses.

Commissioner Windon would like Staff to provide the number of inspections needs for massage establishments and the number of hours for Police and Staff on compliance checks.

Vice-Chairperson Hogan motioned and Commissioner Windon seconded the motion to continue ZBA 19-03 to January 14, 2020 for a Special Use for a Massage Establishment in the B-1 General Business Service District at 141 S. Northwest Highway, Unit B.

*Roll call Vote: Mr. Windon, yes; Ms. Lee, yes; Ms. Ferry, yes; Mr. Anderson, absent; Mr. Ehrle, yes; Vice-Chairperson Hogan, yes; and Chairperson Bush, yes. The vote was 6-0; the motion carried.*

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**Minutes**

**October 8, 2019**

Commissioner Windon made a motion to approve the October 8, 2019 meeting minutes. Commissioner Ehrle seconded the motion. A voice vote noted all ayes, and Chairperson Bush declared the motion approved.

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**Adjournment**

Vice-Chairperson Hogan made a motion and Commissioner Ehrle seconded to adjourn the meeting at 7:34 p.m.

Chairperson Bush declared the motion approved.

Respectfully submitted,

Andrew Binder  
Planning & Zoning Coordinator

Approved: December 8, 2020

DRAFT