

*Village of Barrington  
Zoning Board of Appeals  
DRAFT Minutes Summary*

Date: November 5, 2013

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

In Attendance: Vicky Perille, Commissioner  
William Fitzpatrick, Commissioner  
David Holtermann, Commissioner  
Kevin Connolly, Commissioner  
Kate Duncan, Commissioner  
Ryan Julian, Vice Chairperson  
Patricia Pokorski, Chairperson

Staff Members: Jennifer Tennant  
Natalie Ossowski  
Jean Emerick

*Call to Order*

Chairperson Pokorski called the meeting to order at 7:04 PM.

Roll Call noted the following: Victoria Perille, present; William Fitzpatrick, present; David Holtermann, present; Kevin Connolly, present; Kate Duncan, present; Vice Chairperson Ryan Julian, present; Chairperson Patricia Pokorski, present.

*Chairperson's Remarks*

Chairperson Pokorski gave the order of business and explained the process and duties of the ZBA. She swore in those members of the audience that may speak during the meeting.

*New Business*

**ZBA 13-03:** 209-211 Park Avenue – Public Hearing

**Applicant:** Todd Rhodes, Owner of Grassroots  
209-211 Park Avenue  
Barrington, IL 60010

**Owner:** Katherine E. Roth

The petitioner seeks approval of a Special Use to allow a Tavern at 209-211 Park Avenue (Chapter 7, Section 5-E). No other variations from the Zoning Ordinance have been requested. The property is zoned B-4 Village Center District.

Ms. Pokorski explained what a special use is. She mentioned that the Zoning Board of Appeals is a recommending body governed by the Zoning Ordinance and the Comprehensive Plan. The Village Board has final say and can accept the ZBA recommendation or make their own recommendation.

Mr. Todd Rhodes, 45 N. Barrington Road, the petitioner, said he moved to Barrington in 1989. He moved to New York and then moved back in 2004. His store, Grass Roots, is part of the community. He started Grass Roots three years ago in the basement of the Blue House on Cook Street. They moved Grass Roots to 209-211 Park Avenue in 2012 and opened up their general store last November. They carry things for all ages. They have a liquor license and offer unique handcrafted spirits, craft beers, and unique wines. Some of their events cater to an adult audience and some are family-oriented. He does not intend to turn Grass Roots into a bar.

Ms. Ossowski said that the petition is for a special use for a tavern at 209-211 Park Avenue. The current zoning is B-4 Village Center Business District, which allows for a tavern as a special use. On the east, there are offices, and on the west, there is a restaurant and bar. Their current liquor license allows for the sale of packaged liquor. In order to serve alcohol, they need a different liquor license classification. For the liquor license classification that they are interested in, they would have to be classified as a tavern or a restaurant. The proposed special use is consistent with the Comprehensive Plan and the Zoning Ordinance. The surrounding properties will not be affected by this proposed use. Staff recommends approval of the special use.

Mr. Rhodes added that with their current liquor license, they are allowed to have tastings.

Mr. Greg Dallstream, 407 S. Cook Street, said that he has known Mr. Rhodes for several years. It is a favorite store for their family. The store caters to a variety of tastes and is family-oriented.

Mr. Brian McGonigal, owner of McGonigal's Pub, 105 S. Cook Street, said he is for anything that will help local businesses. It will bring more people to the town and area.

Mr. Jim Denny is the owner of the business next door to Grass Roots at 213 Park Avenue. They also own the property. He has lived in Barrington since 1980. He operates Denny Davies, LLC, a CPA firm, and has made substantial investments in the property. He objects to the special use being granted for a tavern for 209-211 Park Avenue. He is pleased with Mr. Rhodes as a neighbor and likes the business as it is. The Zoning Ordinance has guidelines to apply like a court of law. Mr. Denny read from the ordinance. He believes that the Ordinance prohibits the special use. There is a high concentration of this use in the area; the block would be 80% devoted to drinking alcohol. He is worried about what Grass Roots could become.

Chairperson Pokorski stated that it is not a Planned Use Development; the percentage of uses is immaterial.

Mr. Denny said that the use has to be harmonious with the neighborhood. If there were a way to restrict it, he would be in favor of it.

Chairperson Pokorski said that she would like to suggest that it be an ancillary use. Does the Board have the right to put that kind of restriction in there?

Mr. Denny said that he understands from Staff that those types of limitations are not possible.

Ms. Tennant said that Staff has consulted Attorney Bateman and was advised that the Liquor License is regulated by the Village Code with its own specific provisions, the Commission cannot place provisions on the tavern, because it would limit the liquor license, and therefore the class of liquor license would not actually exist.

Mr. Denny said that he understands that Mr. Rhodes does not intend to turn it into a bar. The establishment does not meet the definition of a tavern. A tavern is engaged primarily with the sale of alcohol, which they do not intend to do.

Vice-Chairperson Julian said that the individual business owner decides what they want to do within their business. The Board decides what they are permitted to do.

Mr. Denny said that Mr. Rhodes does not qualify to be an applicant for a special use. An applicant must be one of three people: the owner, an agent of the owner, or the contract purchaser of the property. Lessees may not apply for a special use.

Commissioner Fitzpatrick asked if Staff has an affidavit of ownership from the owner.

Ms. Tennant presented the affidavit to Chairperson Pokorski.

Chairperson Pokorski stated that Mr. Rhodes has permission from the owner, so he is an agent of the owner.

Mr. Denny said that the ZBA is to consider the minimization and injury to the value of the property within the neighborhood. He believes that the value of his property will be diminished.

Chairperson Pokorski opened the discussion to the Zoning Board of Appeals. She understands from Staff that the Commission cannot limit this as an ancillary use, as it would interfere with the terms of the liquor license.

Commissioner Holtermann asked if 209 and 211 are connected.

Mr. Rhodes answered that it is all one building.

Commissioner Holtermann asked what percentage of the establishment is devoted to each address.

Mr. Rhodes said that the space is about 50 – 50 in the way it is divided, but it is all one space. They use one address for all of their documents.

Mr. Rhodes said there is a built-in bar that they already use for tastings. Their specialty spirits are behind the bar. They have a limited inventory. The idea is that they wish to hold more social events. He feels like he has the support of the Village and the local community.

Chairperson Pokorski asked since the Commission cannot limit by square footage, could they limit by percentage of sales.

Ms. Tennant said there are several different liquor licenses and none have those kinds of provisions in them. There would have to be a new class of liquor license created. It would also be difficult to enforce.

Chairperson Pokorski asked if they can add that the tavern use would be ancillary to the retail use.

Ms. Tennant said no, in the ordinance, it references the existing retail business and that the tavern will be part of it.

Vice-Chairperson Julian asked if there is an age limit to enter the establishment.

Ms. Ossowski said the age limitation is only restricted to the serving of alcohol.

Vice-Chairperson Julian asked if there have been any issues on that block.

Ms. Tennant said that there have been isolated incidents but certainly not a regular occurrence. She does not have formal statics on the exact number of calls generated by the existing uses.

Ms. Ossowski reminded the Commission that a restaurant with a full service bar is a permitted uses in this area. If someone would like to open that type of use, they would not have to go through this process.

Commissioner Fitzpatrick said that it is possible to serve alcohol in a genteel setting. Many establishments do not have problems. He does not expect that there will be issues.

Chairperson Pokorski said that if there was a way to limit it the Commission would.

Vice-Chairperson Julian said if they grant the special use, the petitioner could decide to change their business plan later.

Commissioner Fitzpatrick said there are three establishments within close proximity.

Chairperson Pokorski concluded that then it does fit in with the neighborhood.

Ms. Duncan asked Mr. Denny if he has experienced any interference with his business because of the other tavern licenses that exist on the block.

Mr. Denny said that yes, there have been issues in connection with the St. Patrick's Day celebration. He said it is especially worse on Mondays. There are beer bottles in the shrubs. Smokers come down to his property to smoke under his awnings and doorway. It will affect his property value. It is not the way to revitalize the downtown.

Ms. Ossowski said that if the owner sells, it is not a transferrable special use. It is granted only to Grass Roots.

Commissioner Fitzpatrick asked if the liquor license is site specific.

Ms. Tennant said that it is person specific. Every year they need to reapply and disclose any changes in management.

Commissioner Holtermann asked what hours will they be serving alcohol.

Mr. Rhodes said that it is not his intent to be open late; they usually close by 11 p.m. Most events begin around 7:00 pm. They will not be serving alcohol at 9:30 in the morning.

Commissioner Holtermann asked Mr. Rhodes if he sees this service as a daily thing or only in connection with events.

Mr. Rhodes said it could be daily, but it will be more closely connected with certain hours, such as after 5 p.m. and on weekends.

Commissioner Duncan asked if the liquor license restricts the hours.

Ms. Ossowski said the license says that alcohol is allowed 7:00 am to 1:00 am Sunday through Thursday and until 2:00 am on Fridays and Saturdays.

Commissioner Perille stated that it is not our job to evaluate if this use is appropriate. They have ten criteria with which to review if the special use is allowable. Most of the items are met. For item number 4 – there have been objections from neighbors that they will consider. She asked how did they arrive at the category of tavern?

Ms. Tennant said that Mr. Rhodes asked for a license similar to what Heinen's holds, because he would like to serve alcohol to customers while they were in the store. That classification requires that they have an onsite kitchen, which they do not have, but they could be classified as a tavern without a kitchen.

Vice-Chairperson Julian said it is a judgment call on how it affects the neighborhood.

Chairperson Pokorski said it is uncomfortable that they cannot put any limitations on it.

Vice-Chairperson Julian said there are other enforcement tools; they have to renew their liquor licenses annually.

Commissioner Fitzpatrick moved and Commissioner Julian seconded the motion to approve a Special Use to allow a Tavern at 209-211 Park Avenue (Chapter 7, Section 5-E).

*Roll Call Vote: Ms. Perille –aye; Mr. Fitzpatrick – aye; Mr. Julian – aye; Mr. Holtermann – aye; Mr. Connolly – aye; Ms. Duncan – aye; Ms. Pokorski – aye; the vote was 7 to 0. Chairperson Pokorski declared the motion approved.*

#####

**Other Business**

**2014 ZBA Meeting Schedule**

A voice vote was taken to approve the 2014 ZBA Meeting Schedule. Voice vote recorded ayes. Chairperson Pokorski declared the schedule approved.

**Approval of Minutes**

**October 1, 2013**

Vice-Chairperson Julian moved to approve the minutes of the October 1, 2013 meeting as amended. Commissioner Holtermann seconded the motion. A voice vote recorded ayes. Chairperson Pokorski declared the minutes approved.

**Planner's Report**

The ZBA will not meet in December.

Ms. Pokorski welcomed Planner Natalie Ossowski.

**Adjournment**

As there was no additional business to come before the Board, Commissioner Fitzpatrick moved to adjourn; Commissioner Perille seconded the motion. Voice vote recorded all ayes. Chairperson Pokorski adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Jean M. Emerick  
Recording Secretary



Ms. Patricia Pokorski, Chairperson  
Zoning Board of Appeals

Approval Date: