

**KENDALL COUNTY**  
**SPECIAL USE HEARING OFFICER**  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
**February 1, 2016 – 7:00 p.m.**  
**Unofficial until Approved**

**CALL TO ORDER- SPECIAL USE HEARING**

At 7:00 p.m., Special Use Hearing Officer Walter Werderich called the Special Use Hearing to order.

**ROLL CALL**

Member present: Walter Werderich, Special Use Hearing Officer

Staff Present: John Sterrett, Senior Planner

In the audience: Peter Bielby, Mary's Pooch Pad, Ltd, of 8573 Fox River Drive; Mary Bielby, Mary's Pooch Pad, Ltd, of 8573 Fox River Drive; David Toftoy of 15876 Hughes Road; Jeanette Nicosia of 8700 Wilcox Court; Loren Williams of 8755 Wilcox Court; Larry Dalton of 9198 Chatham Place; Jean Cook of 412 Deerfield Drive in Oswego; Julie Dieter of 14574 Budd Road; Susan Gullic of 20 South Evanslawn in Aurora; Alex Scarpetta of 801 South Bridge Street in Yorkville; Sheila Smieszkal of 15982 Stonewall Drive; Robert Featherson of 8800 Wilcox Court; Andrea Schwebke of 502 Majestic Lane in Oswego; Clemente Garcia, Hardscape Group Landscaping, Inc.

**MINUTES**

Mr. Werderich approved the July 27, 2015 Special Use Hearing Officer Meeting minutes as written.

Mr. Werderich introduced himself and explained how the meeting will be conducted and swore in all members of the audience that wished to speak about the special uses.

**PETITIONS**

1.           **16-01 Peter and Mary Bielby**  
Request:     Special Use to allow a kennel in an A-1 Agricultural District  
Location:    8573 Fox River Drive, Fox Township  
Purpose:     To permit a Special Use in the A-1 District to operate a kennel

Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use to operate a dog kennel at 8573 Fox River Drive in Fox Township and use an existing 2,900 square foot structure to keep the dogs contained during night time hours and nap time. Mr. Sterrett explained that the Zoning Ordinance permits kennels in the A-1 District as special uses provided that the kennel facility is located at least 250' from all residentially zoned properties and properties identified on the LRMP as residential and at least 150' from all non-residentially zoned properties and properties identified on the LRMP as non-residential. The proposed kennel structure meets those setback requirements with the exception of the property line to the southwest. The kennel structure is only 25' from the property line and therefore the petitioners sought a variance from the Zoning Board of Appeals. The ZBA approved the variance request with the condition that the approval is contingent on the approval of the special use application. The kennel operation will include overnight boarding and dog daycare. The number dogs will be limited to no more than twelve (12) at a time. All dogs will be kept in the existing 2,900 square foot structure between the hours of 6:00pm and 7:00am. A play area will be provided for the dogs towards the northwestern portion of the property. The petitioner is in the process of obtaining a Kennel Operator's license through the Illinois Department of Agriculture. The petitioner does not have immediate plans for employees other than those currently residing on the property.

Mr. Sterrett stated that the Regional Plan Commission recommended approval at their meeting on January 27, 2016 with the following recommendations:

1. No more than twelve (12) dogs associated with the kennel operation shall be kept on the property at any one time.
2. All dog waste shall be kept in a lidded container and shall be removed from the property no less than one (1) time every seven (7) days
3. No exterior lighting associated with the dog kennel operation shall be permitted
4. Fencing shall be maintained on the property to enclose all dogs
5. Employees shall be limited to individuals residing on the property
6. All dogs shall be kept within the kennel between the hours of 6:00pm and 7:00am daily.
7. A reserved parking sign for ADA compliance shall be installed for one parking space on the asphalt parking area.
8. No signage shall be permitted on the property

The Plan Commission further recommended that the special use ordinance stipulate that the special use run with the property owner and not run with the property.

Petitioners Mary and Peter Bielby of 8573 Fox River Drive provided photos of the property including some aerial views demonstrating the location of the existing six foot privacy fence so the southwest of the proposed kennel structure and described where they will be constructing an additional six foot high fence further from roadway to help mitigate concerns regarding noise. Mr. Bielby stated that the sound will need to travel uphill when leaving the property to the roadway. Werderich reviewed the photos and the petitioners depicted where the dog play area will be located. Ms. Bielby explained how the operation will work including an assessment of the dog, playtime outside, feedings, and nap time. Ms. Bielby stated that she would be fine with the additional six foot privacy fence be added as a condition.

Mr. Werderich opened the public hearing for audience members' comments.

David Toftoy of 15876 Hughes Road stated he owns a lot in the Estates of Millbrook and believes that the Plan Commission did not properly address the concerns of noise and is concerned with the dogs barking in unison and the impact it will have on selling property and enjoyment of the property. Jeanette Nicosia of 8700 Wilcox Court raised concerns regarding noise, property values, and impact on natural wildlife. Ms. Nicosia stated that a petition signed by 29 residents opposing the special use was submitted. Mr. Werderich acknowledged this was included in the staff report. Ms. Nicosia questioned what type of dogs would be on the property. Ms. Bielby explained how the assessment would occur with dogs and the playtime outdoors. Mr. Werderich explained how amendments to special uses would work and the need to go back through the process if an amendment is made. Mr. Sterrett explained how special uses are enforced by the conditions that are placed on them. Loren Williams of 8755 Wilcox Court stated he has safety concerns about the dogs possibly jumping over the fence and concerns of the lack of dog runs proposed. Ms. Bielby responded to this concern by explaining the assessment process and working with the dog owner to determine the dog's behavior. Ms. Bielby also explained that she will be licensed by the State's Department of Ag as a kennel operator and will have annual inspections from the state. Mr. Williams stated that property values are also a concern. Larry Dalton of 9198 Chatham Place asked about the process for creating a special use ordinance for the kennel. Mr. Werderich explained that the County Board will make the final determination and will pass an ordinance with conditions. Jean Cook of 412 Deerfield Drive in Oswego spoke in support Ms. Bielby's previous operations and stated the extra care that Ms. Bielby gives to dogs. Julie Dieter of 14574 Budd Road spoke in support of Ms. Bielby's experience with dogs and supported her proposed operation. Susan Gullic of 20 South Evanslawn in Aurora spoke to support Ms. Bielby and describe her past positive experience with her. Alex Scarpetta of 801 South Bridge Street in Yorkville spoke in support of Ms. Bielby's assessment process with dogs based on past experiences at her previous location and the engagement she has with the dogs. Rich Duter of 32 Countryside Estates in Sandwich and Kristen Duter of 32 Countryside Estates spoke of their positive experiences with Ms. Bielby taking care of their dog. Sheila Smieszkal of 15982 Stonewall Drive raised concerns such as noise, property values, and safety including dogs possibly jumping over the fence. Ms. Bielby explained how dogs would be assessed for this and that jumping dogs are out on a long lead unable to jump. Extreme jumpers may not be

out in the play area or possibly not even allowed to be on the property. Robert Featherson of 8800 Wilcox Court stated he does not believe noise will be an issue and does not believe property values will be affected. Andrea Schwebke of 502 Majestic Lane in Oswego spoke in support Ms. Bielby's experience with dogs.

Mr. Werderich closed the public hearing for comments.

Mr. Werderich reviewed the following Findings of Fact for the special use:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The petitioner has submitted plans, including a waste management plan, indicating that measures will be taken to ensure that the use of the kennel operation will not have a negative impact on public health, safety, morals, comfort, or general welfare.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The location of the structure for the proposed kennel and the location of the outdoor play area for the dogs maintain the required distance from nearby residential districts and structures. Fencing will be provided to enclosure dogs in the play area and a substantial amount of existing landscaping and wooded areas provide screening from adjacent properties and the roadway. No lighting associated with the dog kennel operation is proposed and no signage will be constructed.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **No new points access roads or points of ingress and egress are being provided as they are not necessary for the requested use. The petitioners will be working with the Health Department to ensure all potential plumbing upgrades will comply with Health Department guidelines. No new construction is being proposed on the site for the use and will not require additional drainage or stormwater infrastructure. The structure that is proposed to be used for the dog kennel facility has been determined as an agriculturally exempt structure and will not require a building permit. All ADA parking requirements will be provided.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **The petitioners have been granted a variance with respect to the setback distance of the kennel structure to the southwest property line. The Zoning Board of Appeals granted the request on November 2, 2015.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use is consistent with the LRMP indicates this property to maintained as open space and no additional development is occurring on the property with the request. The property will still be used as a residence for the owners/operators of the dog kennel.***

Mr. Werderich made a favorable recommendation with the above findings of fact and included the following conditions in his recommendation:

1. No more than twelve (12) dogs associated with the kennel operation shall be kept on the property at any one time.
2. All dog waste shall be kept in a lidded container and shall be removed from the property no less than one (1) time every seven (7) days
3. No exterior lighting associated with the dog kennel operation shall be permitted
4. Fencing shall be maintained on the property to enclose all dogs including a six foot privacy fence to be located in the rear of the proposed kennel structure and will span across the width of the property.
5. Employees shall be limited to individuals residing on the property

6. All dogs shall be kept within the kennel between the hours of 6:00pm and 7:00am daily.
7. A reserved parking sign for ADA compliance shall be installed for one parking space on the asphalt parking area.
8. No signage shall be permitted on the property
9. The special use is granted for Peter and Mary Bielby only and shall not be treated as a covenant running with the land.
10. The special use shall be subject to an annual inspection by the PBZ Department for compliance with these conditions.

This will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, February 8, 2016 at 6:30pm.

## 2. 15-17 Kevin Calder

Request: Special Use to allow a landscaping business in an A-1 Zoning District

Location: 9923 Walker Road in Kendall Township

Mr. Sterrett summarized the zoning request, which is a request for a special use to operate a landscaping business on a 5 acre agriculturally zoned property at 9923 Walker Road in Kendall Township. The business, Hardscape Group Landscaping, Inc., will have six employees with one of the employees living in the house on site. The property has access to a county highway as identified on the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280lbs. The applicant has indicated that most of the trucks and equipment associated with the landscape operation will be kept outdoors. There is, however, some existing landscaping along the perimeter of the property that provides some screening from the roadway and adjacent properties. Clemente Garcia, owner of Hardscape Group Landscaping, Inc., has indicated that they are going to be adding additional evergreen species to the front of the property to provide further screening. The petitioner has submitted a waste disposal plan to address landscape waste. The waste will be delivered directly to Fox Stone Company.

The Plan Commission recommended approval of the special use request with the following recommendations:

1. No landscape waste generated off site may be burned at the subject property
2. No retail sales shall be permitted on the property
3. A Change in Occupancy Permit must be secured prior to the conversion of the dwelling unit from a residence to an office structure
4. No more than six (6) employees shall be permitted
5. Additional landscape screening shall be installed along the front of the property
6. Existing accessory structures on the property shall be used for storage only
7. Signage shall be permitted on the property subject to the sign regulations of the A-1 Agricultural District
8. A waste management plan be incorporated into the controlling special use

Mr. Werderich opened the public hearing for comments. There being no comments, Mr. Werderich closed the public hearing for comments.

Mr. Werderich reviewed the following Findings of Fact for the special use:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The petitioner has submitted plans, including a landscape waste management plan, indicating that no landscape waste will be brought back to the property and will be disposed of off-site. Landscaping operations are a consistent special use within the Agricultural Zoning District.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area*

and/or the County as a whole. **The property maintains a substantial distance from residential structures. All equipment and vehicles associated with the landscape business will be kept either within existing buildings or on an existing gravel area screened with landscaping from adjacent properties and the roadway. The petitioner has stated that additional evergreen species will be installed along the front of the property to provide additional screening.**

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. No new points access roads or points of ingress and egress are being provided as they are not necessary for the requested use. No new construction is being proposed on the site for the use and will not require additional drainage or stormwater infrastructure.*

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **The petitioners will be working with the Health Department to ensure all potential septic system upgrades for the existing house will comply with Health Department guidelines. Existing accessory structures will be used for storage only and not for workspace.***

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use is consistent with the LRMP as it somewhat compatible with rural residential development. The residential characteristics of the property are being maintained and any future office use on the property for the special use is anticipated to occur within the residential structure with a change of occupancy.**

Mr. Werderich made a favorable recommendation with the above findings of fact and included the following conditions in his recommendation:

1. No landscape waste generated off site may be burned at the subject property
2. No retail sales shall be permitted on the property
3. A Change in Occupancy Permit must be secured prior to the conversion of the dwelling unit from a residence to an office structure
4. No more than six (6) employees shall be permitted
5. Additional landscape screening shall be installed along the front of the property
6. Existing accessory structures on the property shall be used for storage only
7. Signage shall be permitted on the property subject to the sign regulations of the A-1 Agricultural District
8. Landscape waste shall be disposed of off-site at a permitted waste facility.

This will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, February 8, 2016 at 6:30pm.

#### REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

**15-11 Rhonda Miller/Strong Tower of Refuge Ministries** – Passed by County Board on August 18, 2015

**15-12 Dan Koukol** – Passed by County Board on August 18, 2015

#### NEW BUSINESS/OLD BUSINESS

**2016 Special Use Hearing Schedule** – Mr. Sterrett provided the 2016 schedule for the Special Use hearings.

**ADJOURNMENT-** Mr. Werderich adjourned the Special Use Hearing Officer meeting at 8:41 p.m.

Respectfully Submitted,  
John H. Sterrett  
Senior Planner