

KANE COUNTY DEVELOPMENT DEPARTMENT
 Zoning Division, Kane County Government Center
 719 Batavia Avenue
 Geneva, Illinois 60134
 Office (630) 444-1236 Fax: (630) 232-3411

<i>Received Date</i>
PLDZ 2017 0000500

**APPLICATION FOR ZONING MAP AMENDMENT
 AND/OR SPECIAL USE**

Instructions:

To request a map amendment (rezoning) for a property, complete this application and submit it with all required attachments to the Subdivision and Zoning Division.

When the application is complete, we will begin the review process.

The information you provide must be complete and accurate. If you have a question please call the subdivision and zoning division, and we will be happy to assist you.

1. Property Information:	Parcel Number (s): 11-15-100-013
	Street Address (or common location if no address is assigned): 41W964 Hughes Rd, Elburn, IL 60119

2. Applicant Information:	Name Dr. Adam and the Reverend Lucas King	Phone (720) 378-1806
	Address Current: 1112 Stonehaven Cir, Aurora, IL 60504	Fax
		Email REVLUCASKING@GMAIL.COM

3. Owner of record information:	Name Dr. Adam and the Reverend Lucas King	Phone (720) 378-1806
	Address 41W964 Hughes Rd, Elburn, IL 60119	Fax
		Email REVLUCASKING@GMAIL.COM

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Countryside/Estate Residential

Current zoning of the property: F-Farm

Current use of the property: Single Family Residence

Proposed zoning of the property: No change

Proposed use of the property: Single family residence with special use for private kennel for up to 12 dogs.



If the proposed Map Amendment is approved, what improvements or construction is planned? (An accurate site plan may be required)

No construction or improvements are associated with this special use request.

Attachment Checklist

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Completed Land Use Opinion application (Available in pdf form at www.kanedupageswed.org/luo.pdf), as required by state law, mailed to: The Kane Dupage Soil and Water Conservation District, 545 S. Randall Road, St. Charles, IL 60174.
- N/A Endangered Species Consultation Agency Action Report (available in pdf form at www.dnr.state.il.us/orep/nrrc/aar.htm) to be filed with the Illinois Department of Natural Resources.
- List of record owners of all property adjacent & adjoining to subject property
- N/A Trust Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department)

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

  April 7, 2017
Record Owner Date

  April 7, 2017
Applicant or Authorized Agent Date

June 30, 2017

Petition #4420
Lucas King, et ux
Special Use for a dog kennel for up to 12 dogs

Special Information: The petitioners purchased the property in March of this year. The petitioners have been breeders of the small “Havanese” toy dog breed for many years and are active in dog shows. The Special Use would allow them to breed 1-2 litters of puppies per year and keep a maximum of 12 dogs on the property at any one time. All the dogs would be kept in the home. No dogs will be kenneled outside and no dogs will be boarded other than those owned by the petitioners.

Analysis: The Kane County 2040 Land Resource Management Plan designates this area as Countryside Estate Residential. The gross density should not generally exceed an average of one dwelling unit per four acres of land.

Staff recommended Finding of Facts:

1. The petitioners will keep the dogs in the home. There will be no outside kenneling of dogs and they will not be kept outside unattended.

Attachments: Location Map
 Township Map
 Petitioner’s finding of fact sheet

Findings of Fact Sheet – Map Amendment and/or Special Use

- *The Kane County Zoning Board is required to make findings of fact when considering a rezoning. (map amendment)*
- *You should “make your case” by explaining specifically how your proposed rezoning relates to each of the following factors.*

Dr. Adam and the Reverend Lucas King
Name of Development/Applicant

April 7, 2017
Date

1. How does your proposed use relate to the existing uses of property within the general area of the property in question?

See addendum

2. What are the zoning classifications of properties in the general area of the property in question?

See addendum

3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?

See addendum

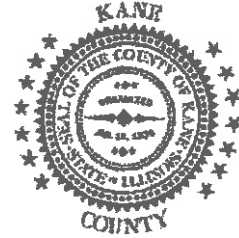
4. What is the trend of development, if any, in the general area of the property in question?

See addendum

5. How does the projected use of the property, relate to the Kane County 2040 Land Use Plan?

See addendum

Findings of Fact Sheet – Special Use



Dr. Adam and the Reverend Lucas King

Special use for private kennel up to 12 dogs
Special Use Request

April 7, 2017
Date

- *The Kane County Zoning Board is required to make findings of fact when considering a special use.*
- *Special Uses shall be considered at a public hearing before the Zoning Board of Appeals. In its report of findings of facts, recommendations shall be made to the County Board following the public hearing. The Zoning Board **will not** recommend a special use **unless** the following items are addressed:*

6. Explain how 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.

See addendum

7. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity.

See addendum

8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property.

See addendum

9. Will adequate utility, access roads, drainage and other necessary facilities be provided?
Please explain:

See addendum

10. Will adequate measures be provided for ingress and egress so designed to minimize the traffic and congestion? Please explain:

See addendum

11. Will the special use conform to the regulations of the district in which it is located? Please explain:

See addendum

Special Use Request Summary:

Dr. Adam King is a board certified veterinary ophthalmologist who practices at clinics in Elgin, Naperville and Crestwood and the Reverend Lucas King is the pastor of HOPE United Church of Christ in Naperville. In March 2017, they purchased a single-family home on nearly four acres of land zoned as F-farming in Blackberry Township, in unincorporated Kane County. The home is adjacent to the Johnson's Mound Forest Preserve. On the lot to the north and on the lot to the west of the King's home are single family homes on 4+ acres lots also zoned F-farming. Across Hughes Road from the King home is active farmland. The Kings are submitting this special use application in order to secure permission to exceed the maximum number of three dogs permitted per household as established by local ordinance.

As a hobby, Dr. King breeds and shows primarily Havanese dogs. The Havanese breed is a 10-14 lbs toy dog, with a long, silky, coat known for their playful and charming demeanor and devoted companionship to their family. Dr. King is recognized as a breeder of merit by both the American Kennel Club and the Havanese Club of America. He has bred 19 champion and grand champion Havanese dogs in the 17 years that he has been an active breeder and handler of show dogs. He has won Best of Breed twice at the Westminster Kennel Club Dog Show. As a member of the Health Committee of the Havanese Club of America and the Genetics Committee of the American College of Veterinary Ophthalmologists, Dr. King shows that he is passionate about the well-being and care of animals. As not only an awarded breeder and handler, but also an American Kennel Club Junior Showmanship Judge, Dr. King demonstrates his investment in the dog breeding and dog showing communities – particularly with young people who are just starting out as dog breeders and handlers. Dr. King is looking forward to putting down roots in Kane County and contributing positively to the reputation of our local community.

Should the Board approve this special use, Dr. King plans to have an extremely limited breeding program with an expected 1-2 litters per year of an average size of 1-5 puppies. Puppies are either kept for show prospects or placed in a show or pet home. Dr. King will keep in the house a maximum of 12 dogs at one time of primarily the Havanese breed. Due to the size and disposition of the Havanese breed and our personal relationship with all our dogs, Dr. King's dogs are all indoor, house dogs. When they are kenneled, the dogs each have their own individual kennel in the home. No dogs will be kenneled or left unattended outside of the house and there will be no boarding of dogs owned by other people or any other dog services offered to the public on the premises. This is strictly a private, personal hobby.

Due to the way that Dr. King cares for and houses the dogs, the disposition and demeanor of the breed, and the size of the surrounding property lots, there should be no impact of barking or other noise disturbance to neighbors. Also, with such small dogs in limited numbers and with the Kings' diligent attention there will be no risk of malodor, either.

In compliance with the Animal Welfare Act, Dr. King will have no more than 5 females at a time who are capable of reproduction and therefore no license is required by the Illinois Department of Agriculture. (See attached annotated copy of the Animal Welfare Act) In addition to the breeding program, Dr. King and his family may keep a few family dogs of various breeds, but the maximum number of dogs housed at the property will not exceed 12.

Application for Special Use - Addendum
Kane County Development Department Zoning Division
Dr. Adam and the Reverend Lucas King
41W964 Hughes Rd, Elburn, IL 60119

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The Kings have had frank conversations with their neighbors regarding this special use application and the neighbors are supportive and excited by Dr. King's hobby. They raised no concerns regarding this application.

As the Kings understand that not all dog owners are as respectful and conscientious as the Kings are, it seems appropriate that this special use be limited to the King's ownership of this property rather than be a permanent designation attached to the property.

Finding of Facts Sheet

- 1) *How does your proposed use relate to the existing uses of the property within the general area of the property in question?*
There will be no change in the existing use of the property. The property will remain a single-family home on land zoned F-farm along with the other homes surrounding the property in question. It can be anticipated that the surrounding properties will continue to be used for equestrian, agricultural, and other rural activities and this special use would have no impact on those uses.
- 2) *What are the zoning classifications of the properties in the general area of the property in question?*
The property surrounding the property in question is either zoned F-farm or Forest Preserve. The King's home is adjacent to the west to the Johnson's Mound Forest Preserve. To the north and to the west their lot are two single family homes on 4+ acres lots also zoned F-farm. Across Hughes Road from the King's home is active farmland zoned F-farm.
- 3) *How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?*
The property in question is well-suited for the proposed special use. The large size of the lots with considerable distance between homes, the keeping of horses by other property owners in the area, and the zoning as F-farming, indicates that owners in the area have an expectation of a rural, agricultural feel, which would easily incorporate a responsible, small, hobby-breeding program of purebred dogs. Having a private kennel is a permitted special use on F-farm zoned property.
- 4) *What is the trend of development, if any, in the general area of the property in question?*
In the area around the property in question there is little anticipated future development. The single-family home owners surrounding the property are well-established, long-term, residents who enjoy their land and their hobbies associated with this area of rural, agricultural, Kane County. To the east and northwest of the property are extensive forest preserves and protected farmland.
- 5) *How does the projected use of the property relate to the Kane County 2040 Land Use Plan?*
In the 2040 Land Use Plan the County has proposed that the property in question be used as "Countryside/Estate Residential" and this special use will not impede that plan.
- 6) *Explain how 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.*
There will be no detrimental impact on to the public health, safety, morals, comfort of general welfare through the approval of this special use. This private hobby is primarily conducted indoors and involves no interaction with the general public. All dog waste is cleaned up regularly and disposed of through the solid waste stream eliminating health risk to the environment or people, as well as, any risk of malodor. In addition, because the dogs are "house dogs" and are not left outside unattended or kenneled in an exterior building, there is be no risk of noise disturbance to neighbors.

- 7) *Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity.*

Due to the way that Dr. King cares for and houses the dogs, the disposition and demeanor of the breed, and the size of the property lots, there should be no impact of barking or other noise disturbance to neighbors. Also, this special use for a small, private, kennel associated with a personal hobby breeding program, will have no negative impact on the ways that others can use the property surrounding the property in question as no dogs will be kenneled or left unattended outside of the home, no dogs owned by other people will be boarded, and no other services offered to the public.

- 8) *Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property.*

Because there is no construction or property improvement associated with this special use and due to the lack of impact to neighbors and the surrounding properties, this special use will not impede any future development or improvement of the surrounding property. Also, as mentioned above, there is limited anticipated future land development in this area.

- 9) *Will adequate utility, access roads, drainage, and other necessary facilities be provided?*
Yes. There are no changes requested or required.

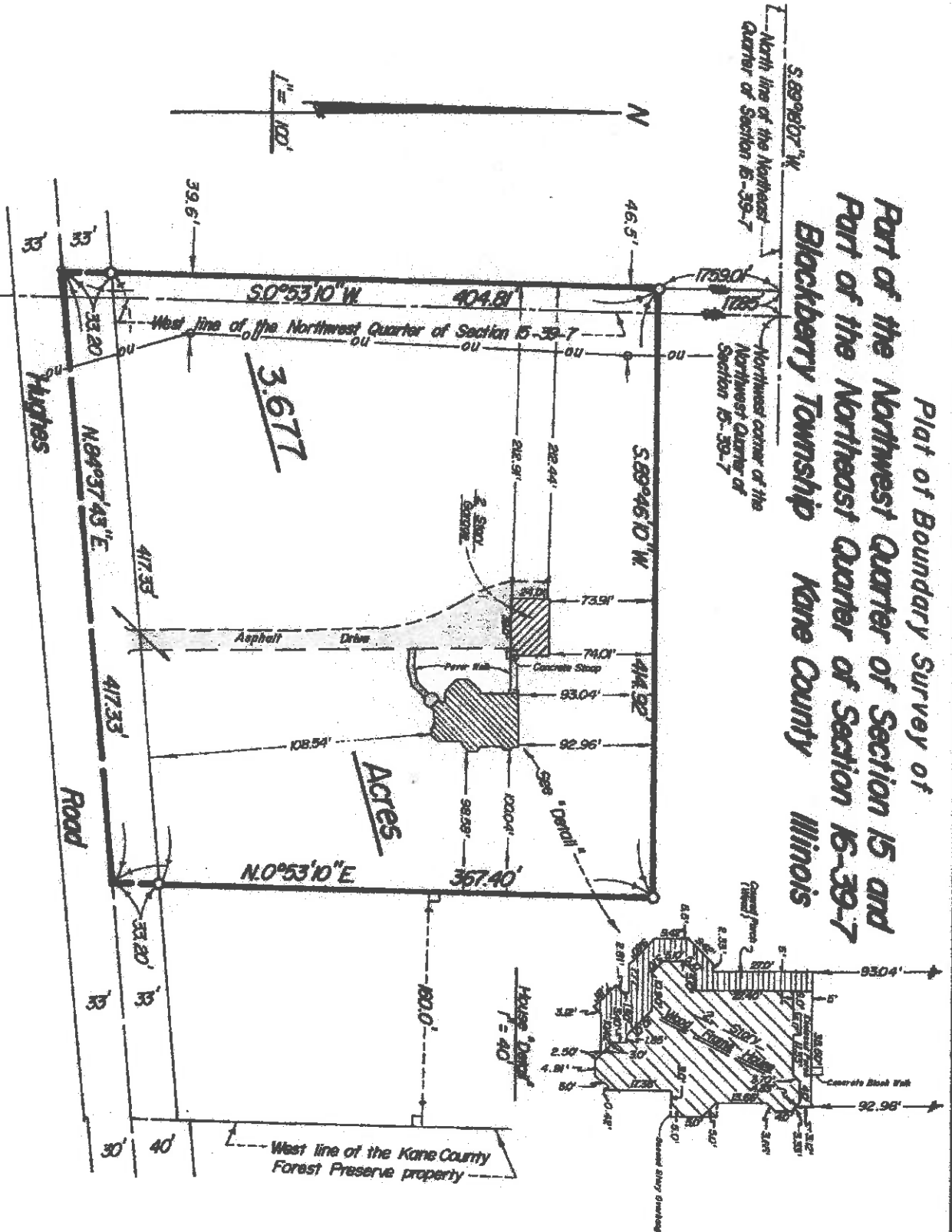
- 10) *Will adequate measures be provided for ingress and egress so designed to minimize the traffic and congestion?*

As this is a private hobby and no services will be offered to the public there will no changes in traffic patterns or increases in congestion due to the special use.

- 11) *Will the special use conform to the regulations of the district in which it is located?*

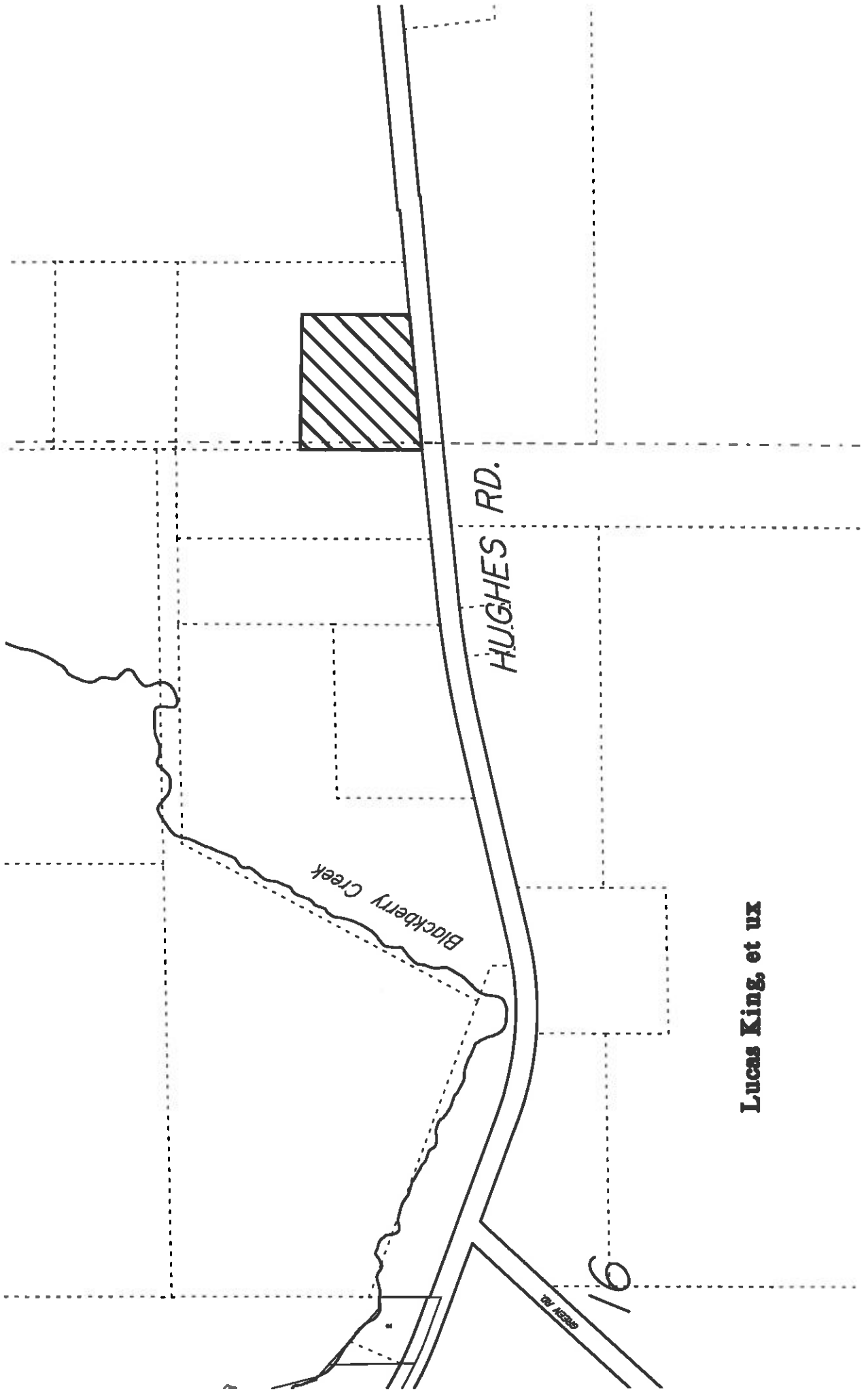
Yes. Kennels are a permitted special use in F-farm zoned areas. Because Dr. King will maintain a limited breeding program with no more than 5 females capable of reproduction, there are no licensing requirements under the Animal Welfare Act and the Department of Agriculture. Dr. King and his family will adhere to and abide by all local regulations applicable to their residency and responsible dog ownership in Kane County.

**Plat of Boundary Survey of
Part of the Northwest Quarter of Section 15 and
Part of the Northeast Quarter of Section 16-39-7
Blackberry Township Kane County Illinois**



○ Indicates found 3/4" diameter iron pipe
 —○— Indicates utility pole with overhead wires





Lucas King, et ux

BLACKBERRY twp.

T.39N - R.7E

map 11

