

Zoning Petition No. 4670

Whiskey Grain Kennels, LLC

County Board District: 18 Rick Williams

Zoning Board of Appeals Meeting
Tuesday, September 30, 2025 at 7:00pm



KANE COUNTY, ILLINOIS

ESTABLISHED JANUARY 16, 1836

Petition Summary

Applicant

Kate McCracken, Esq.

Property Owner

Whiskey Grain Kennels, LLC

Action Requested

1. Special Use in the F-Farming District for a dog kennel for up to 20 dogs.
2. F-1 rezoning to create a residential parcel for new home on the southwest corner of the property.

Subject Property

Just north of the property at 2N800 Freeland Road, (07-36-100-013), Virgil Township

Application

An application was received by the County on July 23, 2025; application documents for Petition 4670 are available for review on the [Pending Zoning Petitions](#) page of Kane County's website.

Notice

A Notice Letter was sent to all adjacent property owners within 250' of the subject property on September 13, 2025. Notice was published in the Daily Herald newspaper on September 14, 2025. And, a public hearing sign was posted on the subject property on September 17, 2025.

In addition to adjacent property owners, notice of this Petition was also sent to Kane County staff, Virgil Township, the Kane County Regional Planning Commission, School District 302, and the Village of Elburn and the Elburn Fire District.

2040 Conceptual Land Use Strategy

2N800 Freeland Road, Virgil Twp. - Petition #4670

Land Use Strategy Area: Agriculture / Food, Farm and Small Town Area

Core Themes

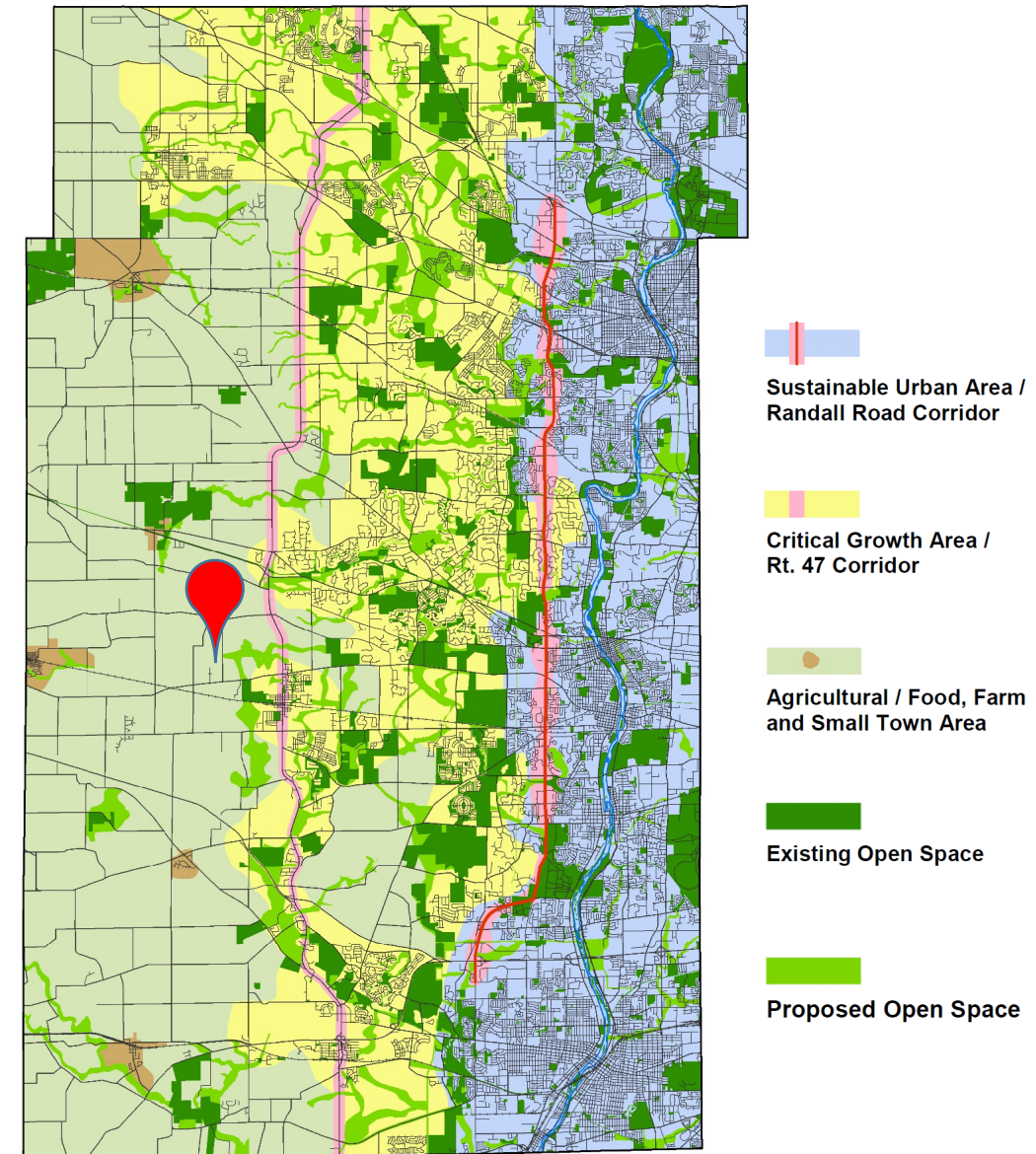
1. “***Food and farm***,” reflects the County’s policy of protecting productive farmland and promoting locally grown foods as a desirable goal.
2. “***Small towns***,” calls for awareness of and responsiveness to future development pressure around Kane County’s western communities

The Conceptual Land Use Strategy Map:

A general land use map that divides the county into 3 major geographic areas, each with unique land resources, development patterns, and planning opportunities.

2040 CONCEPTUAL LAND USE STRATEGY MAP

Adopted October 12, 2010



2040 Land Use Analysis

2N800 Freeland Road, Virgil Twp. - Petition #4670

2040 Planned Use: Agriculture

Characteristics of Areas Planned for Agriculture

- Areas generally contain *prime farmland* or *farmland of statewide importance*.
- Farmsteads - low density residential uses or small specialty farms
- Allow for limited agribusiness and farm support services
- Includes areas used to grow fresh foods for farmers markets, grocery stores, restaurants, and on-farm sales.

2040 Plan Priority for Agriculture Land Use Areas:

To prevent the conversion of farmland to non-agricultural uses. Exceptions for non-agricultural uses may be considered due to soil productivity, topography, vegetation, manmade barriers, etc.

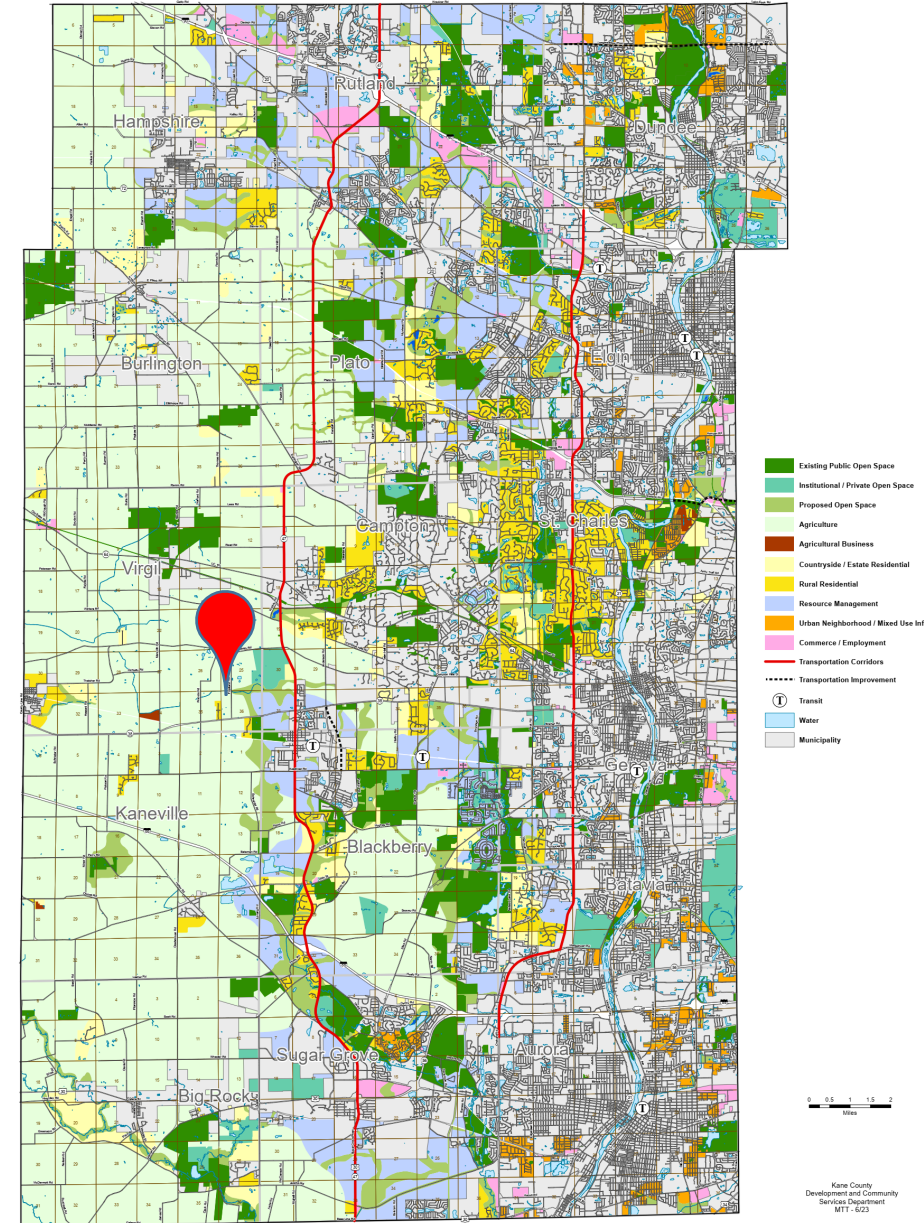
Prime Farmland:

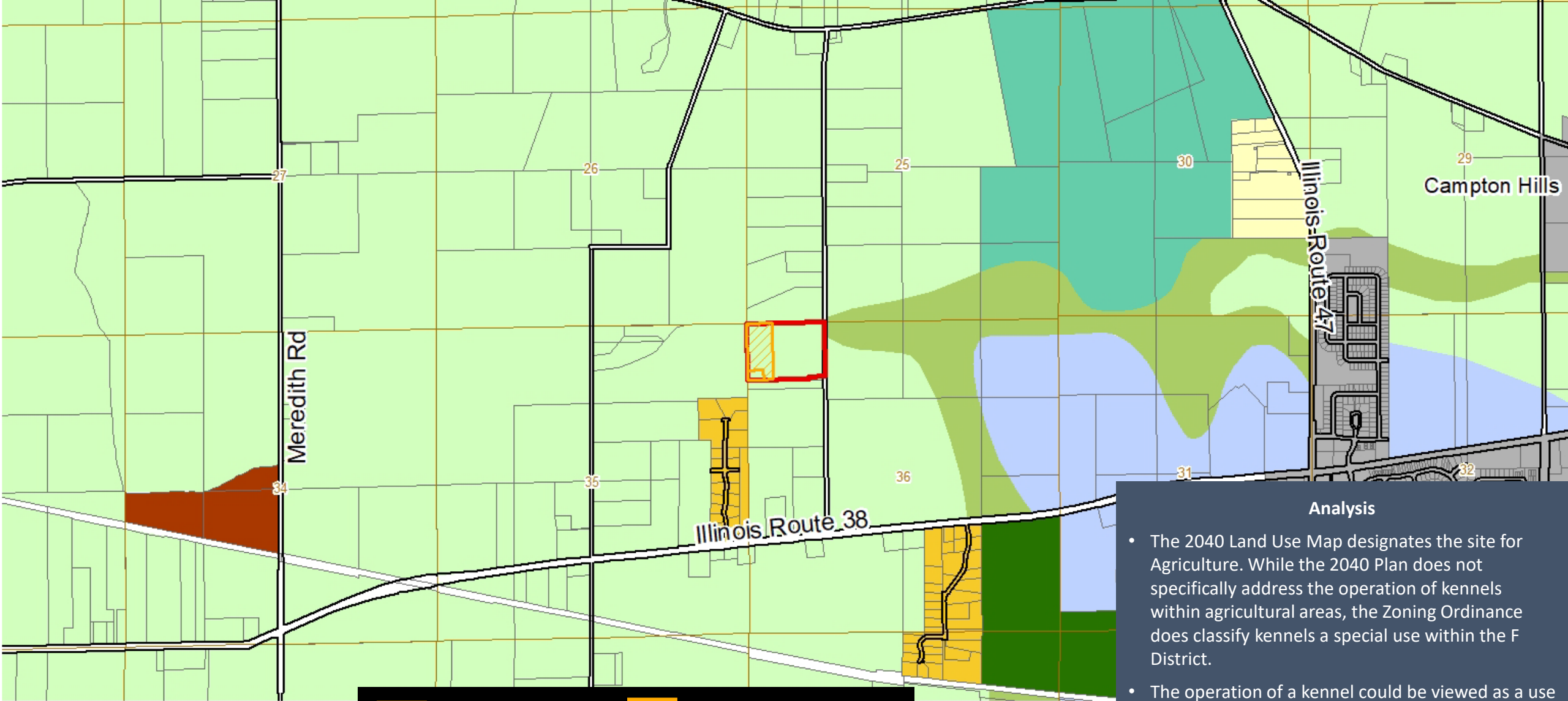
Areas with the best physical and chemical characteristics for producing food, feed, forage crops

Farmland of Statewide Importance:

Highly productive farmland which excludes areas of Prime Farmland

2040 LAND USE





2040 Land Use

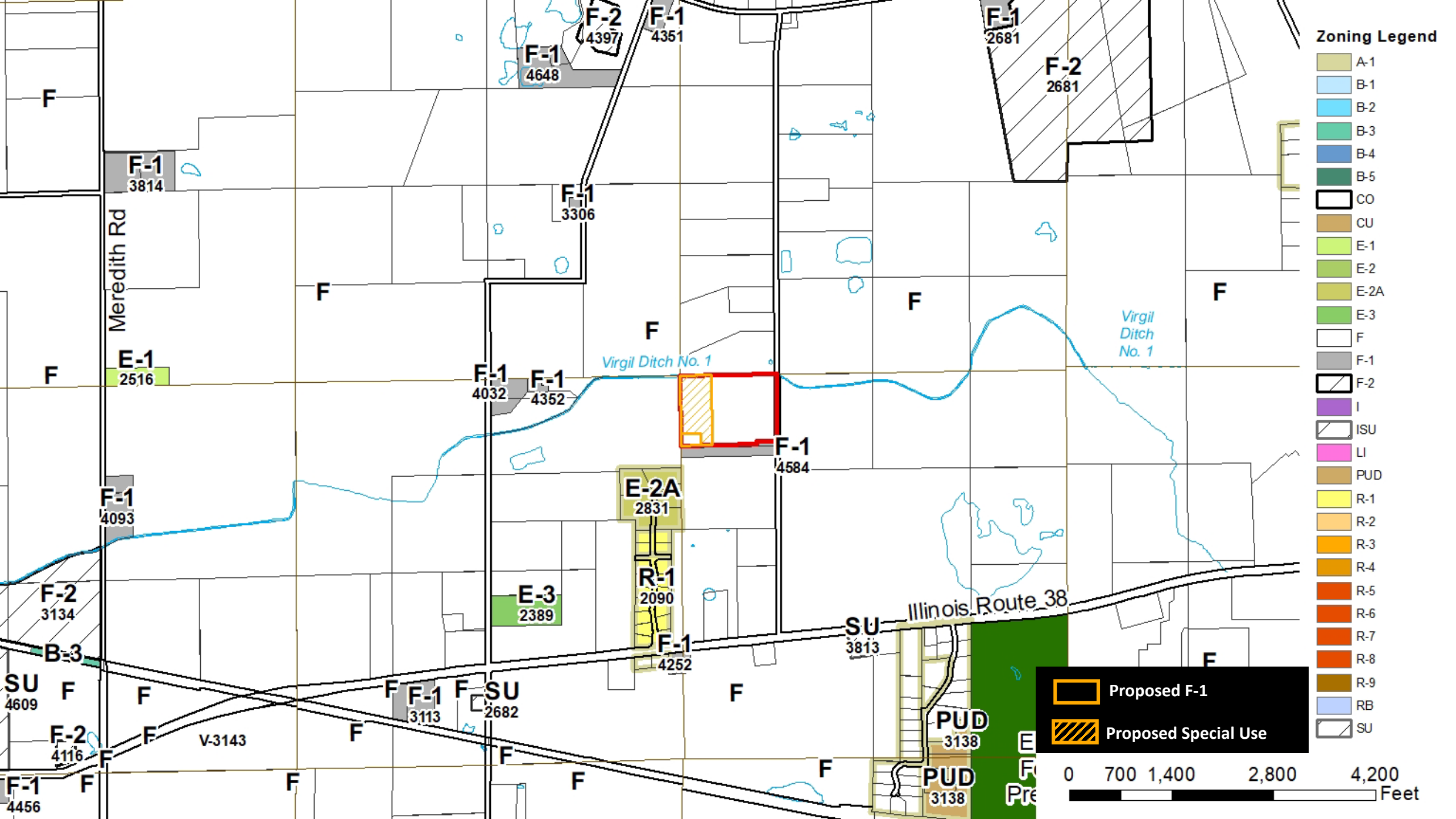
- | | | |
|----------------------------------|------------------------------------|---------------------------------------|
| Agricultural Business | Proposed Open Space | Rural Residential |
| Agriculture | Resource Management | Urban Neighborhood / Mixed Use Infill |
| Commerce / Employment | Existing Public Open Space | Water |
| Countryside / Estate Residential | Institutional / Private Open Space | Municipalities |

- | | |
|--------------|----------------------|
| Proposed F-1 | Proposed Special Use |
|--------------|----------------------|

Analysis

- The 2040 Land Use Map designates the site for Agriculture. While the 2040 Plan does not specifically address the operation of kennels within agricultural areas, the Zoning Ordinance does classify kennels a special use within the F District.
- The operation of a kennel could be viewed as a use comparable to a livestock operation of similar scale. Equestrian uses are also a similar and common use found in areas of the county planned for Agriculture.









Beith Rd

Illinois Route 47

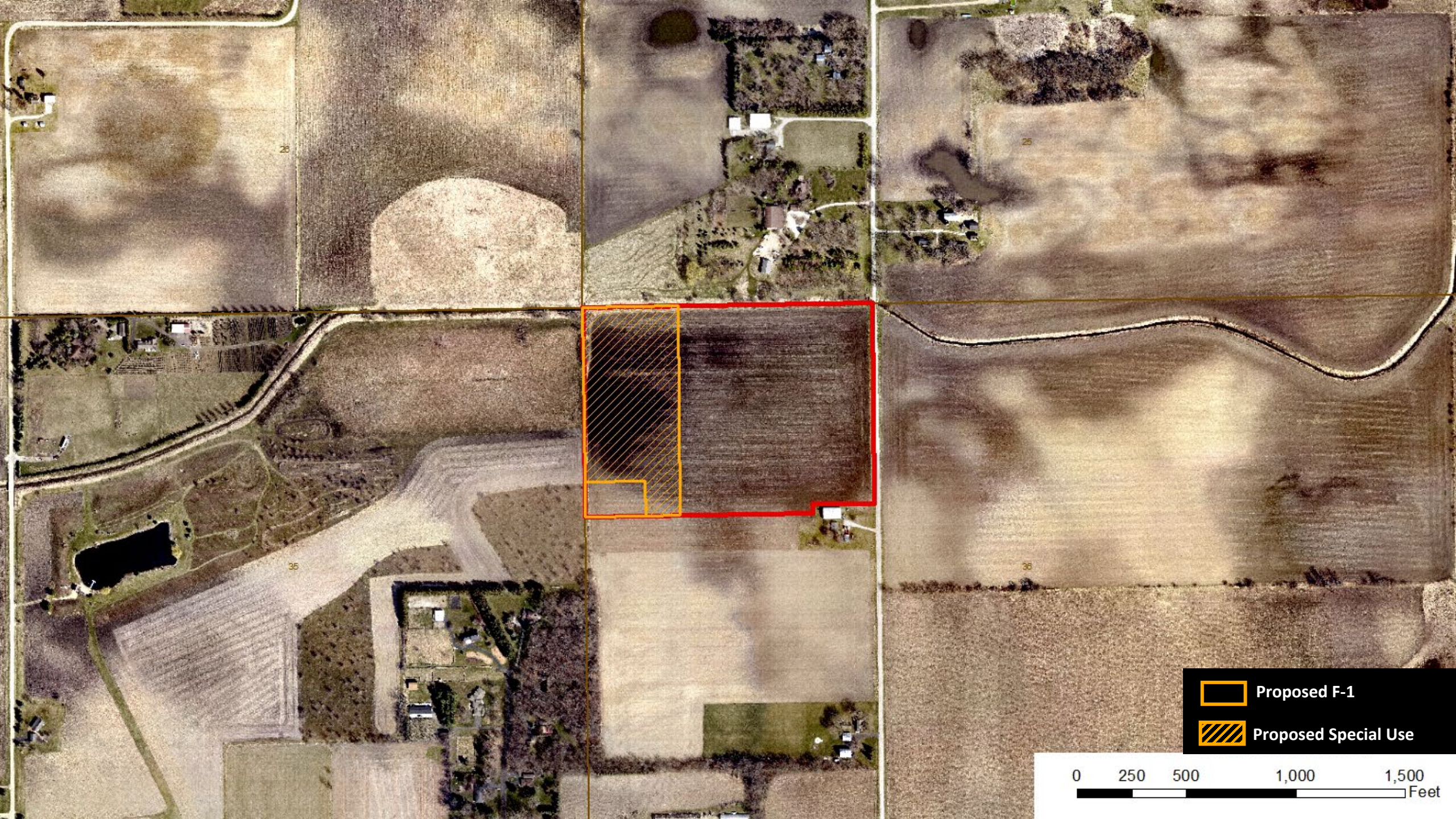
Meredith Rd



Illinois Route 38

St

-  Proposed F-1
-  Proposed Special Use

0 1,000 2,000 4,000 6,000 Feet



-  Proposed F-1
-  Proposed Special Use

0 250 500 1,000 1,500 Feet

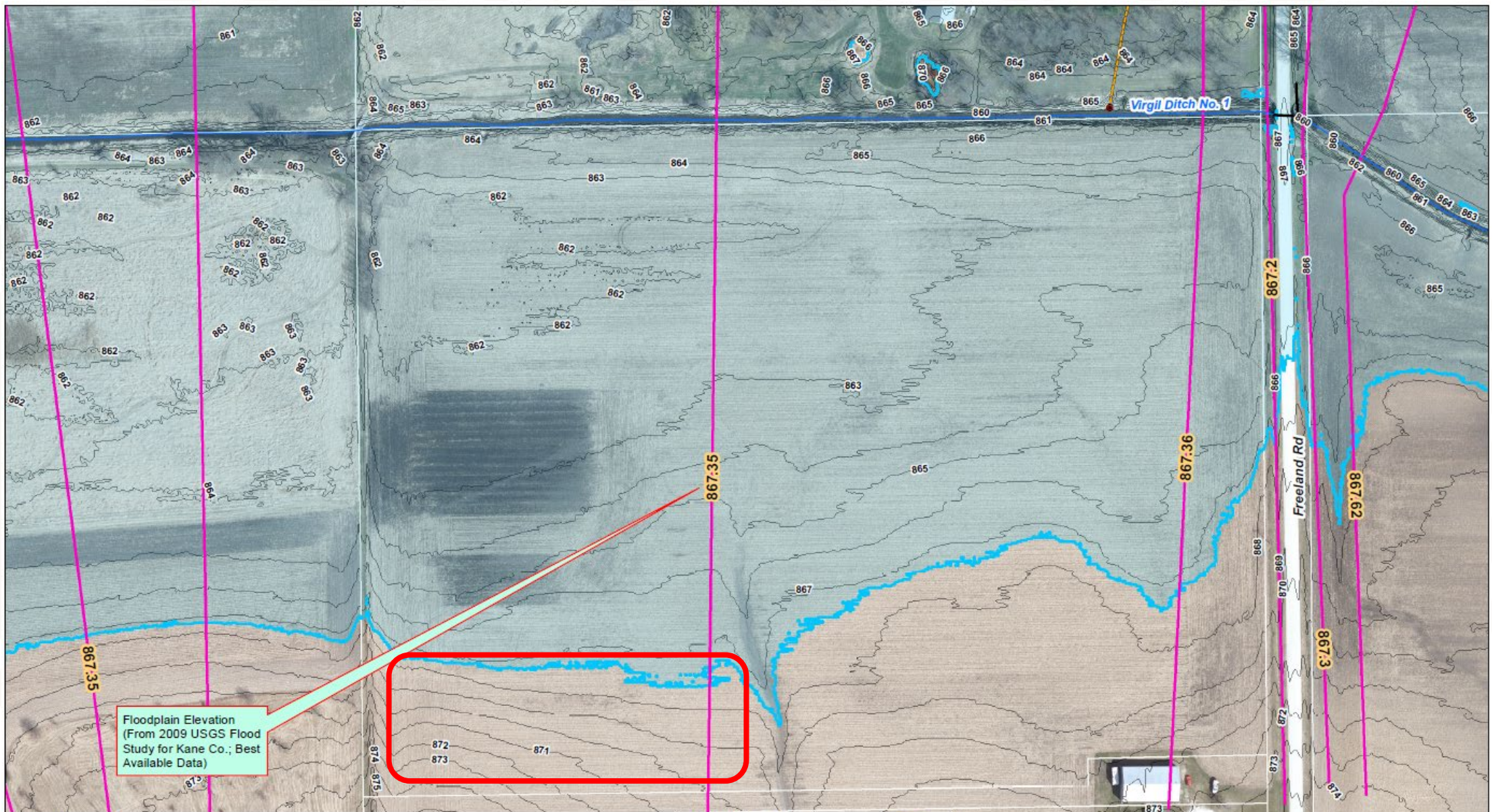


Proposed F-1



Proposed Special Use





Legend

<p>STORM STRUCTURE</p> <ul style="list-style-type: none"> ● CATCH BASIN ■ INLET ● MANHOLE ● OTHER ▲ INLET-FES ▲ OUTFALL-FES ● OUTFALL-PIPE ● MISSING STORM SEWER 	<p>STORM SEWER</p> <ul style="list-style-type: none"> — MUNICIPAL / UNINCORPORATED STORM — ROADWAY / RAILROAD / DRIVEWAY CULVERT — URBAN DRAIN TILE — AG DRAIN TILE 	<ul style="list-style-type: none"> □ STORMWATER DETENTION BASIN — CountyWS.SDEDATA.WTR_Streams
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Floodplain Map
 Parcel 07-36-100-013
 Freeland Road
 Virgil Township

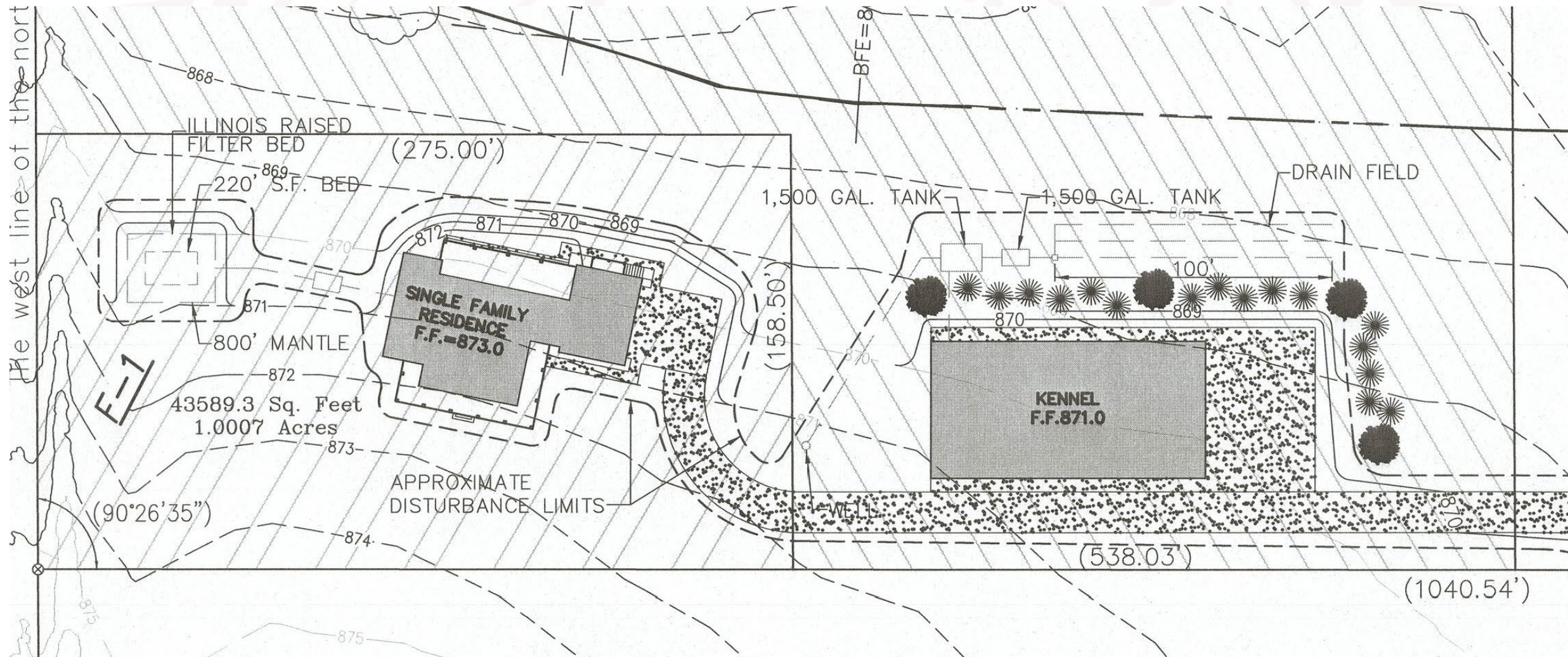
0 25 50 100 150 200 Feet

Map Created: Nov 15, 2023

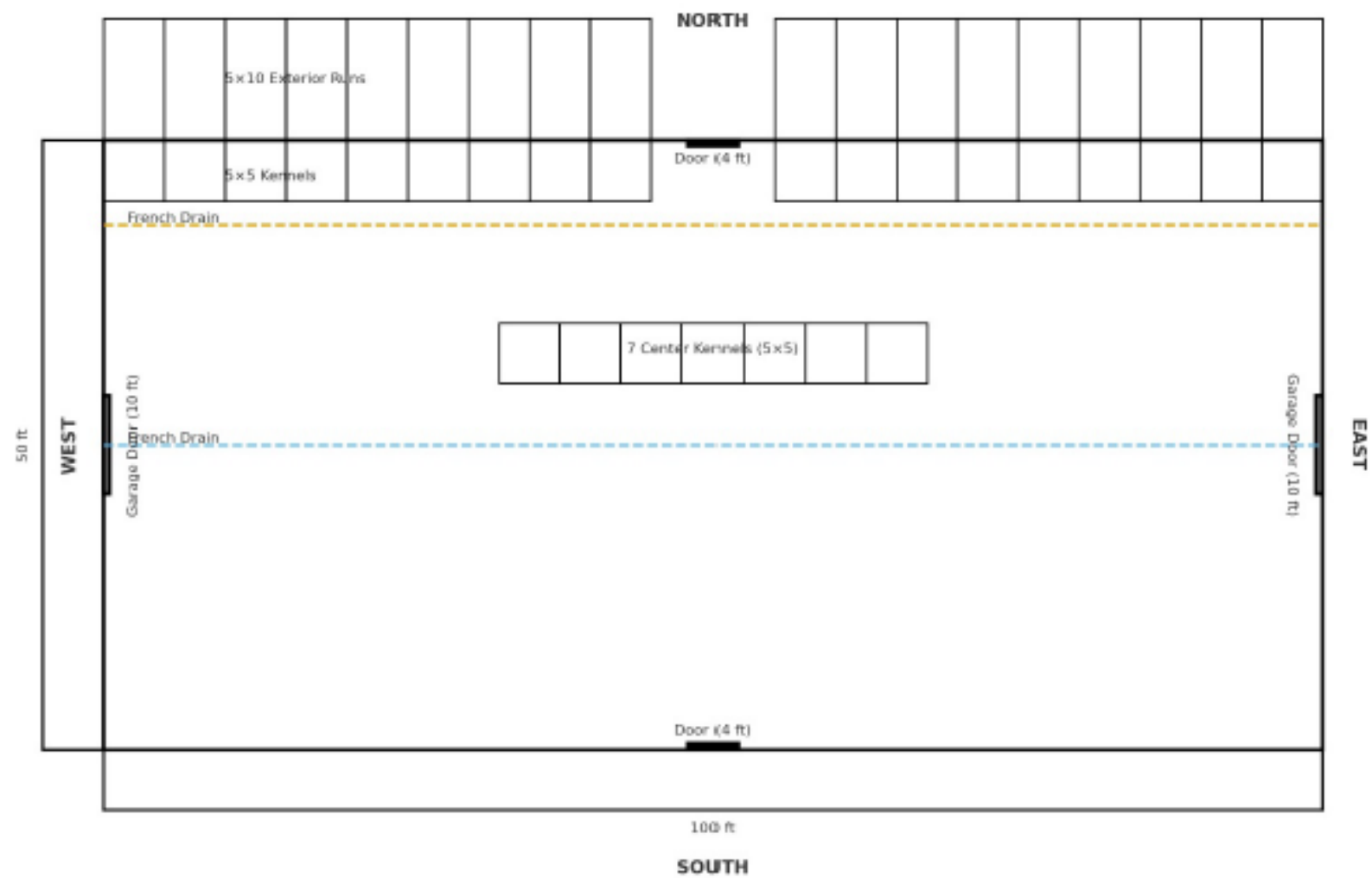
Kane County
Department of
Environmental &
Water Resources

Aerial Date: April 2022

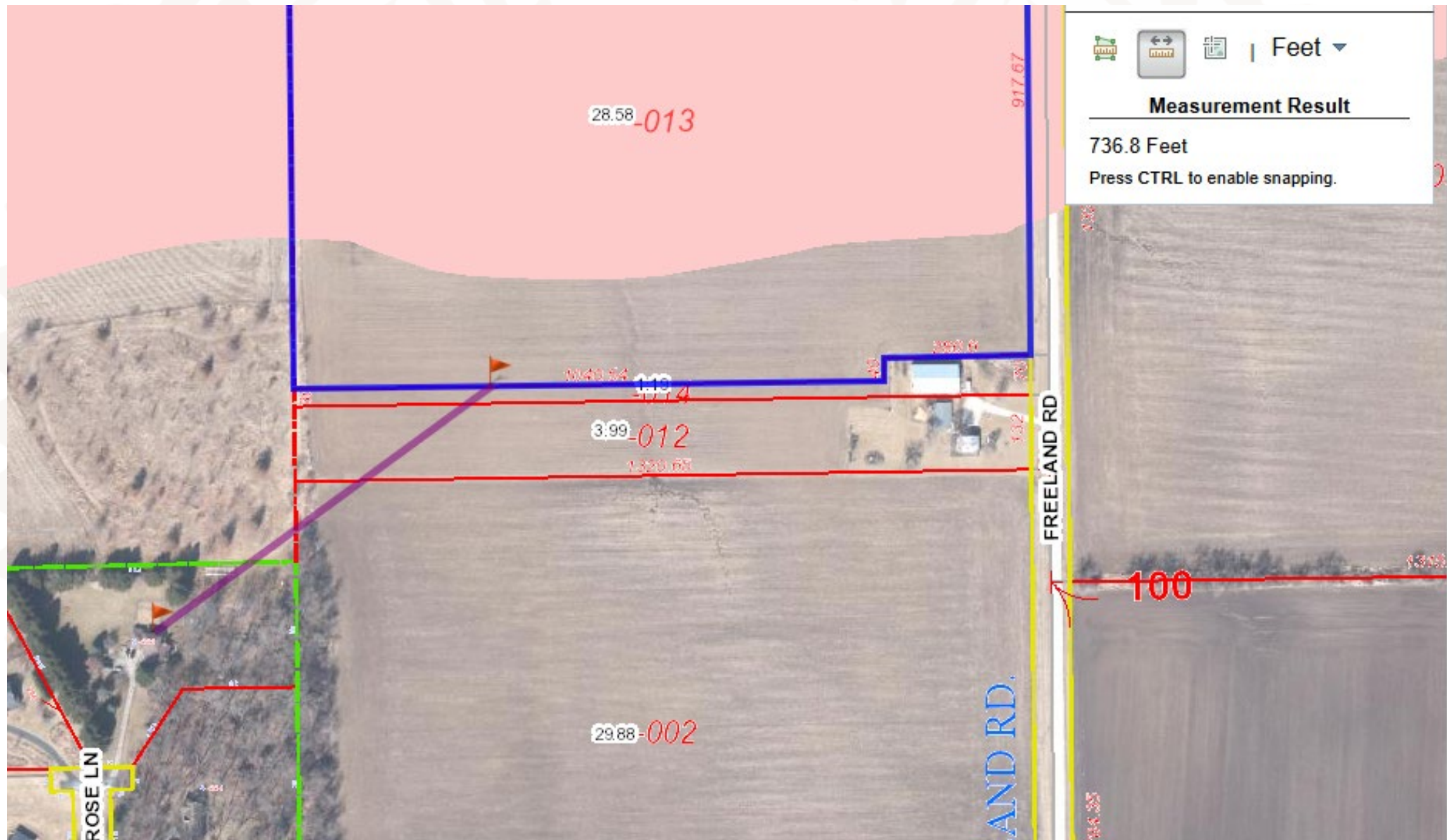
GIS Technologies

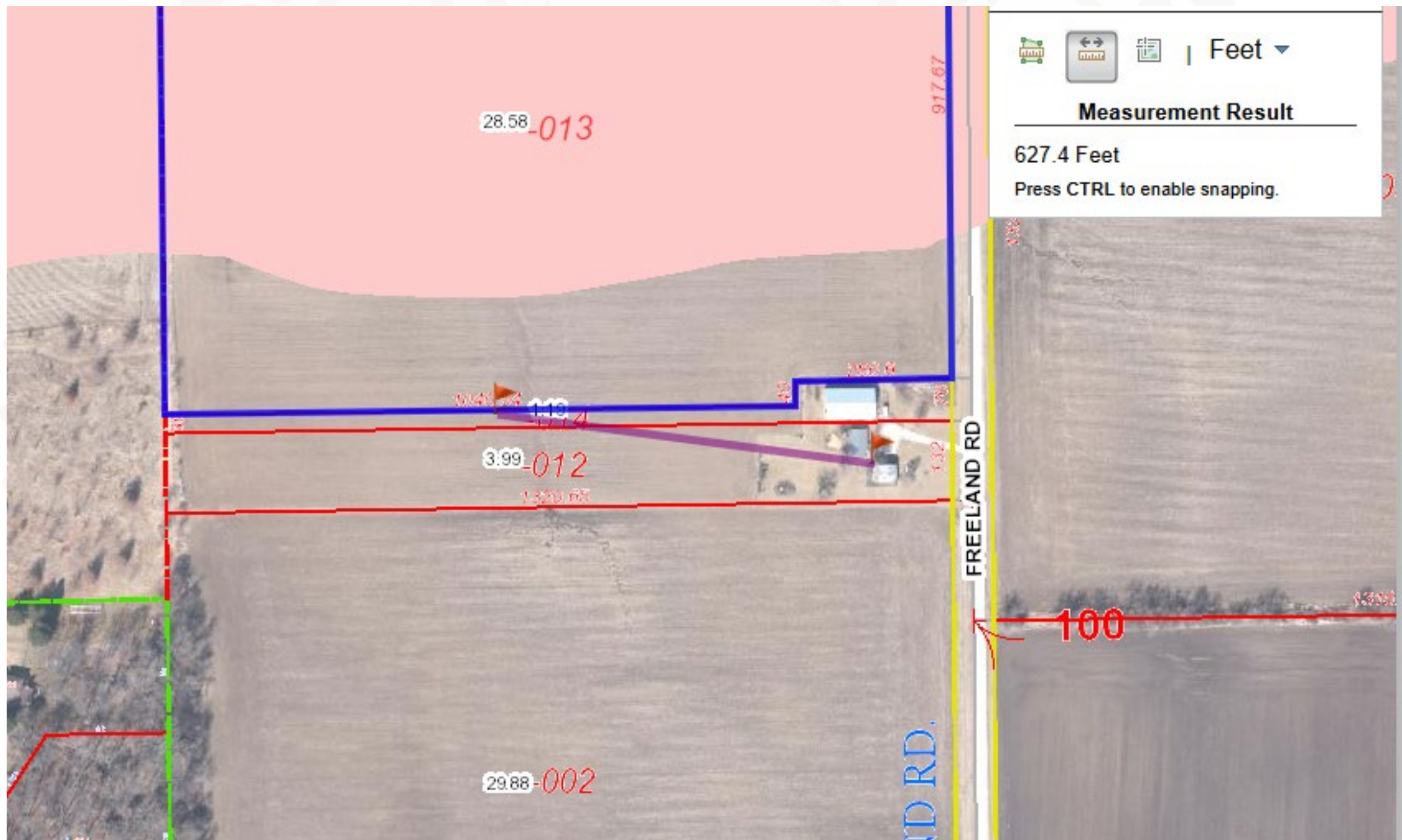


Kennel Building Floor Plan (50×100 ft) - With Dimensions & Labels



- French Drain (North)
- French Drain (Center)





15-2: PROPERTY MAINTENANCE PROCEDURES AND NUISANCES DECLARED:

It is hereby declared that any of the following activities and/or conditions are nuisances, when not conducted in accordance with this chapter and are unlawful when conducted or allowed to exist on property located within the County, but outside the corporate limits of any city or village therein; whether conducted, allowed, suffered or permitted by the owner, tenant, and/or other occupant thereof (it being the intent of this chapter to make all such persons jointly and severally liable for compliance herewith):

A. Exterior Property Areas:

7. **Manure And Garbage:** To accumulate manure, rubbish, garbage, refuse, junk vehicles, human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes. Normal storage for agricultural purpose is considered to be two hundred sixteen (216) cubic feet per acre (for example, a 6 x 6 x 6 accumulation).

C. Noise:

4. **Raucous Noise:** To make, continue, create or cause to be made or continued any loud or raucous noise.

5. **Harsh, Prolonged Or Unusual Noise:** To make, continue, create or cause to be made or continued any noise which is harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which the noise emanates or as to unreasonably interfere with the peace and comfort of neighbors or their guests or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

Water Resources

The Kane County Water Resources Department reviewed this Petition and has the following comment:

This project contains floodplain. The plan as shown presumes all development is outside the floodplain, except for the Training Pond. The Training Pond is considered an appropriate use within the Floodplain. The Development as presented will likely trigger Stormwater Detention. The Ordinance does allow for Detention Basins to be located within the Floodplain and the Petitioner may wish to use the Training Pond as part of their Stormwater Management.

The Kane County Water Resources Department recommends the following stipulations:

1. For any Development in the future as defined by the Kane County Stormwater Management Ordinance on the resulting F-1 and F parcels that singularly results in greater than 5,000 sq ft of new impervious area, or cumulatively (as of Jan 1, 2002) results in greater than 25,000 sq ft of new impervious area or 3 acres of disturbance, Stormwater Management Measures, as required by the Kane County Stormwater Ordinance, shall be provided.
2. A Stormwater Permit will be required. An engineer will be required to design the Stormwater Management for this site with the required retention and detention volumes and viable outfall.
3. Best Management Practices promoting infiltration shall be required.
4. A Drain Tile Study will be required.
5. Development as shown is presumed to be outside the floodplain. Any portion of the development within the floodplain shall meet the Kane County Stormwater Management Ordinance.
6. The lowest floor and lowest opening for all buildings will be determined using the Seasonal High Groundwater Table and the Floodplain Elevations and the Stormwater Ordinance Building Protection Standards. Note that not all lots are suitable for basements.
7. Conservation and Drainage Easements will be required for the Stormwater, Wetlands and Floodplain on site.

Transportation

The Kane County Department of Transportation (KDOT) reviewed this Petition and recommends the following stipulation:

1. The Petitioner shall obtain a temporary and final access permit from Virgil Township.

Environmental Health

The Kane County Health Department reviewed this Petition and has the following comment:

1. The Health Department requires that well and septic meet all code requirements and permits with KCDHD obtained prior to construction.

Kane County Forest Preserve District

The Kane County Forest Preserve District does not have concerns with the attached request.

Elburn & Countryside Fire Protection District

The ECFRD has reviewed this Petition and has the following comment:

1. The Fire Department does not have any issues with this proposed rezoning

EcoCAT Report

Illinois Department of Natural Resources (IDNR)

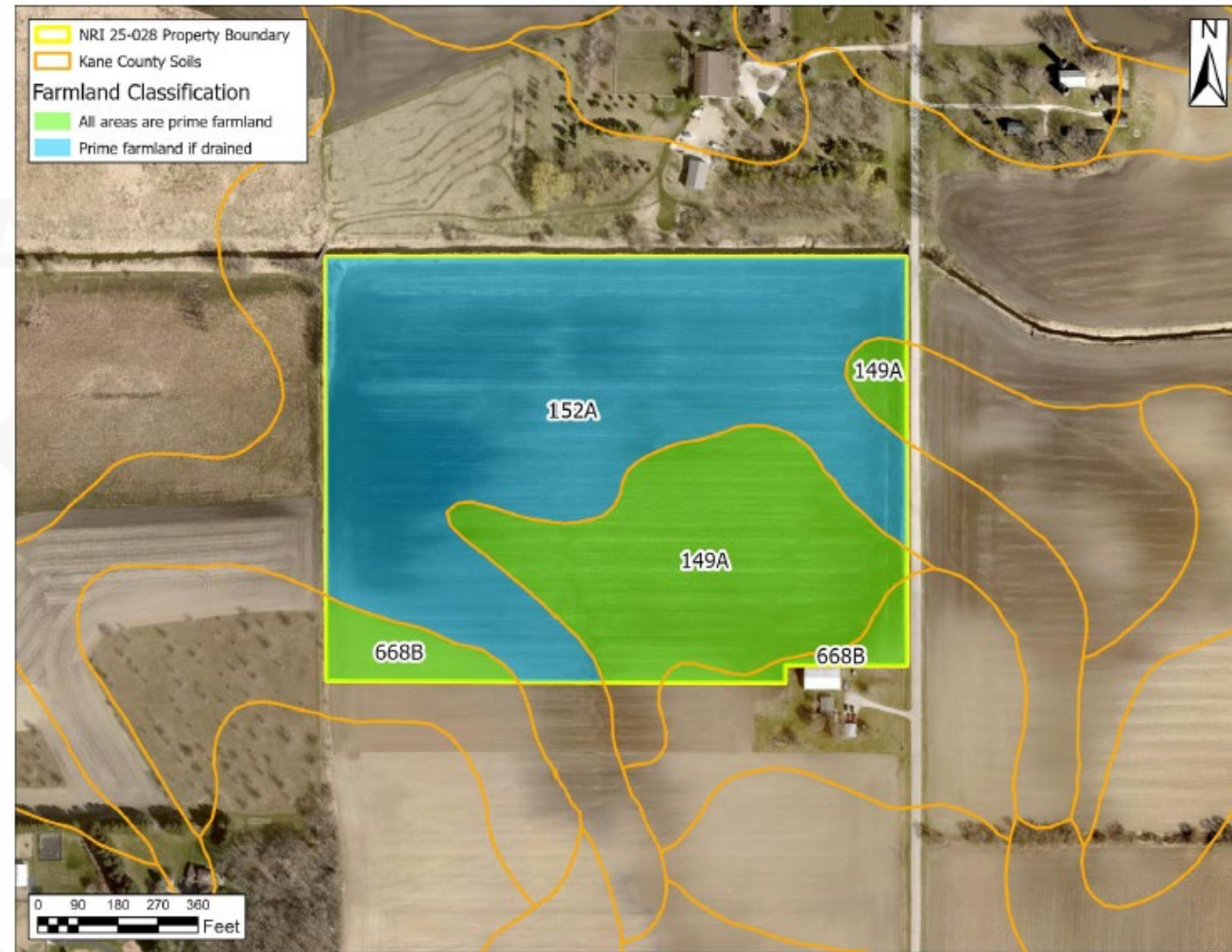
- Results and recommendations from the Illinois Department of Natural Resources (IDNR) obtained through the Ecological Compliance Assessment Tool (EcoCAT) – The natural resources review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

NRI Report

Kane-DuPage Soil & Water Conservation District (SWCD)

- **Prime Farmland:** Prime and important Farmland occur on this tract.
- **LESA:** The LE value for this site is 32 and the SA value is 53 for a total LESA score of 85. This score represents High Protection effort warranted.
- **Land Planning and Development Concerns:** Based upon the LESA score and the Kane County Land Evaluation and Site Assessment, this tract warrants **High Protection** effort from development.

PRIME FARMLAND – LAND EVALUATION & SITE ASSESSMENT



Recommended Stipulations of Approval

Should the Zoning Board of Appeals make a motion to recommend approval of this variance request, staff recommends the following stipulations:

1. For any Development in the future as defined by the Kane County Stormwater Management Ordinance on the resulting F-1 and F parcels that singularly results in greater than 5,000 sq ft of new impervious area, or cumulatively (as of Jan 1, 2002) results in greater than 25,000 sq ft of new impervious area or 3 acres of disturbance, Stormwater Management Measures, as required by the Kane County Stormwater Ordinance, shall be provided.
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5. Development as shown is presumed to be outside the floodplain. Any portion of the development within the floodplain shall meet the Kane County Stormwater Management Ordinance.
6. The lowest floor and lowest opening for all buildings will be determined using the Seasonal High Groundwater Table and the Floodplain Elevations and the Stormwater Ordinance Building Protection Standards. Note that not all lots are suitable for basements.
7. Conservation and Drainage Easements will be required for the Stormwater, Wetlands and Floodplain on site.
8. The Petitioner shall obtain a temporary and final access permit from Virgil Township.

Public Comment

As of September 29, 2025, Kane County Technical Staff has not received correspondence from area property owners regarding the petition.

F-1 Rezoning Standards

ZONING STANDARDS – F-1- DISTRICT RURAL RESIDENTIAL

Section 25-8-2 of the Kane County Zoning Ordinance provides Standards for F-1 District Rural Residential Rezoning; responses to these Standards have been provided by the Petitioner with their Zoning Application.

The Zoning Board of Appeals shall not recommend a rezoning to this zone district classification unless the applicant shall present clear and convincing evidence to the Zoning Board of Appeals that the property sought to be rezoned is not suitable for agricultural use.

The Zoning Board of Appeals in determining suitability of property for agricultural use shall make findings of fact with respect to the following:

- A. Existence of nonprime farmland
- B. Topography;
- C. Manmade and physical features which may serve as barriers;
- D. Vegetative cover;
- E. Parcel size;
- F. Adjacent land uses.

Special Use Standards

ZONING STANDARDS – SPECIAL USES

Section 25-4-8-2 of the Kane County Zoning Ordinance provides Standards for Special Use Permits; responses to these Standards have been provided by the Petitioner with their Zoning Application.

The Zoning Board of Appeals shall not recommend approval of a special use unless it finds:

- A. That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- B. That the special use will not be 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;
- C. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- D. That adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided;
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads;
- F. 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 recommendations of the zoning board of appeals.

Next Steps

Regional Planning Commission:	N/A
Zoning Board of Appeals:	September 30, 2025
Development Committee:	October 21, 2025
Kane County Board:	November 10, 2025

Petition 4670, the subject of this public hearing, will be considered by the **Development Committee** at its upcoming meeting currently scheduled for **10:30 a.m., Tuesday, October 21, 2025** in the County Board Meeting Room, Building A, 2nd Floor, of the Kane County Government Center, 719 S. Batavia Ave., Geneva, Illinois. Persons in favor of or in opposition to this petition who wish to speak before the Development Committee must signify their intention to do so by signing a sheet provided for such purpose at the meeting at which such petition is to be considered.

Petition 4670, the subject of this public hearing, will be considered by the **Kane County Board** at its upcoming meeting currently set for **9:45 a.m., Tuesday, November 10, 2025** in the County Board Meeting Room, Building A, 2nd Floor, of the Kane County Government Center, 719 S. Batavia Ave., Geneva, Illinois. Persons in favor of or in opposition to this petition who wish to speak before the County Board must file their intention to do so with the Zoning Enforcement Officer no later than the Friday preceding the County Board meeting at which the petition is to be considered.