

## Findings of Fact Sheet-Special Use

McLean Special Use  
Special Use Request.

December 9, 2019  
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 fact, 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.
1. 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. **Residents Answer:** The proposed kennel currently resides in an area of unincorporated St. Charles Township and remains under the jurisdiction of Kane County Building and Zoning unless or until the area is annexed under the jurisdiction of the City of St. Charles. The Kane County Building and Zoning Department made the decision back in 1960 to change the property north of the subject property to its residential usage. To make a deferral to the City of St. Charles Land Use Plan for a decision to be made “some time into the future” is not a fair and just decision for the current residents of County Line Subdivision who have faithfully paid property taxes to Kane County since 1960. Please note: there are several issues of concern that are not addressed in the owners application. They are as follows:
    - Without the aid of an engineer or site plan, it is hard to determine the distance to the residences of County Line Subdivision. Those distances are not reflected in the documents made public. (Some residents may be closer to the kennel than the owners). The Appendix B-Zoning Item D states, “said animals shall not be housed, kenneled or yarded closer than one hundred (100) feet from any residence other than that of the owner or user of the property.” If the applicants truly believe in their plan as proposed, shouldn’t the placement of the actual kennel be as close as possible to their residence (as allowed per the current zoning Appendix B-Zoning Item D noted above) so that any disturbance would be handled by them before the Kane County Sheriff is called to resolve a nuisance issue? Wouldn’t the continued vigilance proposed by the applicants be best served by a closer proximity to the kennel?
    - The applicant states, “the new building...is screened off from view of the proposed facility by natural vegetation. This natural vegetation is not sufficient to deaden the noise of up to 60 barking dogs. Earthen berms, additional noise suppressing vegetation, fencing (and engineered sound suppression should required for the structure) and should be installed along the western, northern and eastern borders of the property.
    - The applicant suggests the separation of the subject property from the rest of the city, limits its development potential except for industrial type uses which are likely to be more detrimental to nearby existing residential uses. This is a leading

statement. What about the potential for additional affordable residential property and tax revenue from an additional 30+ homes?

- The applicant states, “the kennel operation...is unlikely to create any more disturbance than that which already exists from airport and other nearby industrial activities. Really? Here’s an example...So, I watched a bank being robbed but in their haste to leave the robbers dropped some cash. I saw it and picked it up and kept it. I am not guilty of anything because the other guys did the crime, I just came along and found some stray \$\$\$. Also, what about the odors and potential water issues...where is this addressed in their answers? Does the County Health Department have any input as to the impact on our wells, the Powerloo Waste Management System or any input on the runoff and/or ponding of water in the culvert system during periods of heavy rainfall?
- The applicant states that the use will be compatible with the area and should have no detrimental effect on the surrounding properties. There has been no evidence of an attempt (in the applicants answer) to question a single real estate expert or an appraiser for their qualified opinion as to what would happen to the value of the homes in the County Line Subdivision if the kennel as proposed were to be constructed. Shouldn’t there be some kind of appraisal and BPO as evidence to support their conclusion?

2. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity. **Residents Answer:** The applicants state, “...will not prevent anyone in the vicinity of the subject premises from the full enjoyment and use of their property. The proposed activities will have minimal deleterious effect on surrounding property. **We disagree.** The neighbors immediately adjacent to the south of the proposed Special Use Zoning have horses and chickens and tend to like loud music in the summer months. Imagine the effect of the unfamiliar farm animals and loud music on up to 60 dogs? The site plan does not indicate any active or passive measures to be taken to screen the neighbors to the north, northwest and northeast from the nuisance (barking) generated by up to 60 dogs? We’re to rely on a scruffy line of vegetation not meant for noise suppression? Further, there is no mention of anything other than just a pole barn. What are the proposed specifications for noise suppression in this “pole barn”? Are the results certified and approved for this size of an operation? In a neighborhood in which many of us have dogs as family members, we all recognize that dogs bark. But for the applicants to suggest that a “pack” of dogs being allowed to play/exercise in a fenced area will not impact the full enjoyment and use of our property is outrageous. Again, we must mention the financial impact on our community. The applicants have failed to provide the residents any evidence or study as to the effects of their business plan on the valuation of our homes...just an opinion (we don’t even know by whom). They need to offer us findings of fact.

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

proposed use is not related to the development of any adjoining properties. The surrounding properties will continue to have potential development as long as it is undertaken consistently with the same City of St. Charles Land Use Plan. Again, these properties are under the jurisdiction of Kane County. It has been 59 years and Saint Charles has not annexed our subdivision into their community. As neighbors and residents of the Township and County we see the highest and best use for Kane County as residential—maximizing the tax revenue and the construction of future affordable housing in St. Charles Township.

4. Will adequate utility, access roads and drainage and other necessary facilities be provided? Please explain. The St. Charles Township is well aware of existing drainage issues with the existing culvert system in County Line Subdivision. During periods of heavy rainfall there is ponding and standing water (for days and weeks) present. Someone needs to investigate and certify that runoff from the proposed new septic field will not result in contaminated water or potential health issues for people, pets and wildlife in the area.

5. Will adequate measures be provided for ingress and egress and so designed to minimize the traffic and congestion? Please explain. It is very dark along Kautz Road between the industrial areas. We believe signage alone is not enough to provide for safe ingress and egress from the premises on the scale proposed.

6. Will the special use conform to the regulations of the district in which it is located? Please explain. Not having the aid of legal counsel, we can not offer an opinion as to compliance to regulations and legal non conforming use in the F District. What we can say as common men and women is that the proposed use will not benefit our home values, it will not give us continued unencumbered full use and enjoyment of our properties to which we all are entitled. We also acknowledge that we cannot speak with authority about possible health and safety risks associated with this venture. For that, we must rely on our County Health Department. **We ask the Kane County Zoning Board to deny this application (#4535) Special Use for a kennel.** Further, we ask that the Special Use as it applies to kennels be reviewed and revised. Such revisions to include greater distances from residences (or to be located in non-residential areas), provide for greater sound suppression both passive (landscaping and berms) and active/engineered (for building structures) so as to prevent this issue from occurring again in Kane County.

We would like to thank you for your time and attention to this matter.