

Berkhout, Keith

From: mary Johnson <mecloud11@icloud.com>
Sent: Monday, February 10, 2020 3:49 PM
To: Berkhout, Keith
Subject: EX: Fwd: URGENT! VOTE NO ON #4535 SPECIAL USE KENNEL

Sent from my iPad

Begin forwarded message:

From: kevin besch <kflb29@gmail.com>
Date: February 10, 2020 at 11:43:13 AM CST
To: mmolina@kanecoboard.org, tbarreiro@kanecoboard.org, "Lewis, Anita" <alewis@kanecoboard.org>, athomas@kanecoboard.org, blenert@kanecoboard.org, mhanson@kanecoboard.org, msilva@kanecoboard.org, bhernandez@kanecoboard.org, tkoppie@kanecoboard.org, sstarrett@kanecoboard.org, jmartin@kanecoboard.org, John Hoscheit <JH@hmcp.com>, sweber@kanecoboard.org, mdavoust@kanecoboard.org, bwojnicki@kanecoboard.org, mkenyon@kanecoboard.org, dallan@kanecoboard.org, dfrasz@kanecoboard.org, "Iqbal, Mo" <miqbal@kanecoboard.org>, pwegman@kanecoboard.org, csurges@kanecoboard.org, dscheflow@kanecoboard.org, ckious@kanecoboard.org, jsanchez@kanecoboard.org, "VanKerkhoff, Mark" <VankerkhoffMark@co.kane.il.us>, Keith Berkhout <BerkhoutKeith@co.kane.il.us>, clauzen@kanecoboard.org
Subject: URGENT! VOTE NO ON #4535 SPECIAL USE KENNEL

2/8/2020

TO: Kane County Board Member

From: Mary Johnson - 33W045 Bonnie Street, Saint Charles, Illinois 60174

Subject: URGENT! Petition #4535 Special Use for Kennel - NO VOTE PLEASE

Please consider the following reasons why the Special Use petition #4535 should be a NO vote.

- 1) Please consider the negative impact that a proposed kennel will have on the County Line Subdivision. Barking dogs, kennel odors emanating from the proposed kennel will disrupt our lives. It will destroy the use and enjoyment that is our right as established property owners.
- 2) In an Appellate Court Case *Traiteur v. Abbott* #73-143. The overview of the case states that the owners of the kennel had 16 dogs and boarded several others in their kennel...The trial court found that the kennel was a nuisance and entered an order permanently enjoining the owners from operating the dog kennel. The appellate court affirmed. The court held that the circuit court did not err in finding that the dog kennel constituted a nuisance since the neighborhood was a residential district, the neighbors lived in their homes for many years before the kennel was constructed. The court determined that the foul odor and noise emanating from the kennel was an unreasonable hindrance and affirmed the order of the circuit court permanently. Based on this case, your vote for this petition should be NO.
- 3) The stipulations provided by the petitioners were not definite. The petitioners stipulations do not provide any guarantee on how the facility "shall be" built and they haven't provided expert testimony on sound proofing and waste removal. They should guarantee that there

will be sound and odor elimination and not suppression. The language of the stipulations is not in keeping with Article III. Rules and Definitions for Kane County Zoning Ordinances.

Petitioners use the word "will". (We will install a fence for example) The mandatory language should be "we shall install a fence". The word "will" is stated throughout their latest submission of stipulations which in my opinion renders the document worthless.

4) Mr. Thornhill attempts to align petition #4535 with the Saint Charles 2040 Plan stating that this Special use is "in concert" with the Kane County 2040 plan. He is incorrect. Per Ms. Ellen Johnson STC City Planner states via the STC specific standards that a kennel with an outdoor exercise or play area would not be allowed within 1000 feet of a residentially zoned area (County Line Subdivision). Based on property lines 2N152 abuts against the petitioner's property line and properties like my own are 177 feet away from petitioner's property line.

5) Saint Charles voted NO on a Special Use Petition for a dog daycare. Mr. Terry Grove (per the minutes of that meeting) stated that such an establishment would decrease the value of his properties. His renters also objected. In the STC situation the Zoning and Planning approved the Special Use for a kennel. In the final STC council session it was voted down unanimously!

6) My investigation shows that Kane County does not have kennels located close to residential.

7) We've submitted a petition signed by neighbors that are firmly objecting to petition #4535.

Ask yourself...if this were your "established" neighborhood, would you want a probable noise and odor nuisance as your neighbor?

Ask yourself...would you want Kane County to start a precedent of approving zoning for dog kennels directly next to a neighborhood district in conflict with the municipality established ordinances.

I URGE YOU TO VOTE NO AGAINST PETITION FOR SPECIAL USE KENNEL #4535.

I THANK YOU FOR YOUR TIME.urge you to vote NO against petition for Special Use Kennel #4535.