

**AGENDA OF THE LEE COUNTY BOARD**

December 16, 2003

9:00 a.m.

**3<sup>RD</sup> FLOOR BOARDROOM, OLD LEE COUNTY COURTHOUSE  
112 E. SECOND STREET, DIXON, ILLINOIS**

OPEN MEETING WITH INVOCATION OR PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS

APPROVAL OF BOARD MINUTES OF PREVIOUS MINUTES

Greg Tessier- discuss zoning issues

PUBLIC/VISITOR COMMENT:

A. ITEMS ON THE AGENDA – VISITORS ALLOWED 10 MINUTES

B. ITEMS NOT ON THE AGENDA – VISITORS ALLOWED 5 MINUTES

TO ZONING BOARD: 03-P-1384- Miller et al - South Dixon Twp.  
03-P-1385 - Zimmerman  
03-P-1386 - Sauk Valley College Foundation

TO PLANNING COMMISSION:

FROM ZONING BOARD:

FROM PLANNING COMMISSION: 03-PC-41 - Tarr - Wyoming Twp.

REPORTS OF COMMITTEE:

911 BOARD

R.C.&D. – BLACKHAWK HILLS

ADMINISTRATIVE SERVICES

COUNTY SERVICES

SOLID WASTE/HEALTH & WELFARE

FINANCE

ROAD & BRIDGE

CLAIMS

COMMITTEE CLAIMS

EXECUTIVE/JUDICIAL/LAW ENFORCEMENT

COUNTY PROPERTIES

COUNTY OFFICERS REPORTS, REQUEST FOR DEPOSIT OF FUNDS, ORDERS PAID IN VACATION

OLD BUSINESS

NEW BUSINESS

APPOINTMENTS Compton Fire Dist. - Paul Betz, Lloyd Ackland, Roger Grinka  
Brush Grove Drainage Dist. - Ronald Gittleson, Lyle Ranken, Wayne Page

Executive Session- Pending Litigation - Sherry Thompson

Ordinance - Overweight permit

Ordinance - Driveway Access Permit

Ordinance - Fees for Bid Document

Coroner's Annual Report

Treasurer's Quarterly Report

Resolution - Health Insurance

Resolution - Advisory Question - Taxpayer Action Amendment

MILEAGE & PER DIEM

ALL BILLS & APPROPRIATIONS ALLOWED BY ROLL CALL

ADJOURN

LEE COUNTY  
ZONING BOARD OF APPEALS  
TELEPHONE 288-3643      LEE COUNTY COURT HOUSE  
DIXON, ILLINOIS 61021

ZONING REPORT FOR NOVEMBER 2003

There were a total of 23 permits issued for the month of November with a total dollar volume of \$2,664,300. There were 3 permits issued for single-family homes in the amount of \$565,000.

Petition No. 03-P-1383 filed by Wayne & Joyce Beaird for a Special Use permit for a dog kennel was heard at the December 4<sup>th</sup> meeting. The Zoning Board of Appeals tabled this petition until it's January 8<sup>th</sup> meeting.

Very truly yours,



Chris Henkel  
Zoning Administrator

LEE COUNTY ZONING BOARD OF APPEALS

BOARD MEMBERS

Ron Conderman, Chairman  
Craig Buhrow, Vice Chairman  
Mike Pratt, Member  
Gene Bothe, Member  
Tom Fassler, Member  
Howard Schoenholz, Alternate  
Gene Hardiek, Alternate

Chris Henkel, Zoning Administrator  
Katie Wetter, Clerk

The Lee County Zoning Board of Appeals met Thursday, December 4, 2003 at 7:00 p.m. in the Lee County Courthouse, Dixon Township, Dixon, Illinois. The Chairman called the meeting to order and the Clerk called the roll with the following members present: Fassler, Bothe, Pratt, Buhrow and Conderman.

Chairman Conderman called the meeting to order. The first petition on the agenda for consideration was Petition No. 03-P-1383, Wayne and Joyce Beard. Petitioners are requesting PPN # 14-03-33-400-024, Nachusa Township and commonly known as 1809 Twist Road, Franklin Grove be rezoned from AG-1, Agricultural District to Special Use for a private dog kennel. Property is located on the west side of Twist Road approximately ½ mile north of IL Route 38.

Chairman Conderman indicated that all receipts have been turned in. Petitioners Wayne and Joyce Beard were present and sworn in.

Joyce Beard indicated that they have applied for a private dog kennel. They do not board outside dogs nor do they groom outside dogs at this kennel. This kennel is used for their Australian Shepherd's. Their dogs are house dogs and are kept in a kennel situation. All of the dogs have been micro chipped by the Dixon Veterinary and are up to date on their shots and worming, Mrs. Beard stated. The property that the dogs live on is fenced in. Mrs. Beard reported that the dogs are groomed weekly. Mrs. Beard passed out pictures of the dogs to the zoning committee.

Mrs. Beard indicated that both she and her husband are retired. She distributed pictures of her property and the adjoining properties to the committee. She also indicated that there are no houses within ½ mile of their residence. Mrs. Beard stated that she lives in a very rural area.

Gene Bothe asked Mrs. Beard who lives north of her property. Mrs. Beard indicated the Fahey's.

Joyce Beard stated that they own one lot which consists of 9 acres. Mrs. Beard illustrated on a map that there are no houses on the surrounding lots. They have been operating for eight years Mrs. Beard stated. She also reported that she contacted Animal

Control whom reported there have been no complaints made on the Beairds. She stated that Australian Shepherds are not barkers and she has had this type of dog for 20 years.

Mrs. Beaird discussed the different buyers they have had for the puppies. She stated that there are testimonials from the buyers on their website which is [www.beairdsbonanza.net](http://www.beairdsbonanza.net) Mrs. Beaird passed out an article that can be viewed on the website.

Mrs. Beaird indicated that her kennel has been inspected by AKC and passed with flying colors. They are in compliance with licensing through the state of Illinois. Mrs. Beaird discussed the breed standard of the adult dogs. The average female is 18-21 inches and 35-40 lbs. The average male is 19-23 inches.

Mrs. Beaird stated that they currently have four breeding females although the females are not breed at every heat. They have 18 dogs total she reported.

Ron Conderman asked what the average size litter is and Mrs. Beaird reported 7-8 puppies. According to the state of Illinois the puppies cannot be sold until they are eight weeks of age, Mrs. Beaird reported. Chairman Conderman then asked for questions from the board.

Chris Henkel asked the Beairds if they checked the references of the buyer. Mrs. Beaird stated yes and potential buyers must fill out a questionnaire which is on the website. Mrs. Beaird stated to the board that she would like them to complete an onsite inspection of their kennel.

Mike Pratt asked why they are here now asking for special use zoning if they are already in operation. Mrs. Beaird explained that they went to the zoning office to request a permit to put up a garage for storage; while doing this they learned they needed zoning for their dogs. She indicated that they were not previously aware that this zoning was needed. Chris Henkel explained that when the building permit came in Animal Control informed Zoning that the Beairds have to rezone for use of the kennel. When the property was bought by the Beairds eight years ago they were not told they needed any type of zoning.

Mike Pratt asked what the numbers on dogs are. Chris Henkel indicated that if there are over four dogs over four months of age zoning is required. Mr. Henkel stated that the Beairds are asking for special use for a private kennel.

Mike Pratt asked how the county maintains special use for a private kennel. Chris Henkel reported that this is maintained loosely under the zoning office. Mike Pratt asked what the difference is between a private kennel and a commercial kennel. Mrs. Beaird stated that their kennel has no regular business hours. There is no training, breeding or boarding of outside dogs conducted at their kennel. Ninety percent of puppies are sold to out of state buyers and ninety percent of the puppies are sold before they are born.

Gene Bothe asked if this permit is for over four dogs. Chris Henkel indicated that this special use is specifically for the Beairds and would be pulled back if they moved.

Chairman Conderman opened the floor to the audience. Kevin Fahey was present and sworn in. Mr. Fahey indicated that he and his wife owns property to the north of the Beairds. He is objecting to this petition and request it be denied. When he bought this property he had planned on building a retirement home and paid a premium price. He stated that it clearly was not the intent of this property to have a commercial business run on it which was covered on the covenant. Mr. Fahey gave a copy of the covenant for these parcels of land to the zoning committee. Chris Henkel asked if the property being discussed is part of this covenant. Mr. Fahey indicated yes the Beaird property is identified as parcel F. The Fahey property is identified as property G and H.

Craig Buhrow asked Mr. Fahey how many acres he owns. Mr. Fahey indicated 17 ½ acres.

Chris Henkel read numbers 8, 9 and 14 from the covenant agreement Mr. Fahey submitted to the Zoning Committee. Please see attached. Mr. Fahey stated there currently is a 4 X 8 sign on the Beaird property. Chris Henkel indicated that the current sign the Beairds have does exceed the 5 square feet addressed in the covenant.

Mr. Fahey indicated that he disputes the claims made by the Beairds that the dogs do not bark. He indicated his wife has seen nineteen dogs outside at one time. He also reported that all buyers bought this property knowing this covenant existed.

Chris Henkel indicated that the county does not enforce covenants; an association of the property governs the covenant. There currently is not an association. Mr. Fahey stated that he believes that this dog kennel will have a negative effect on the landowners.

Mike Pratt asked Mr. Fahey what he suggests should be done. Mr. Fahey stated this is a full blown commercial operation of raising and breeding dogs and this is not the place to do it.

Steven Robery was present and sworn in. He indicated that they live at 1461 Franklin Creek Drive north of the Fahey property. Parcel I and J, according to the covenant. He stated that he objects for the same reasons as Mr. Fahey. Mr. Robery stated he is not sure where Joyce Beaird got the distance of ½ mile; there are a couple of properties across the street that are within ¼ of a mile. They are all within earshot of the barking. He does not think this kennel is consistent with what the property was intended to be developed. Mr. Robery also discussed the Franklin Creek nature preserve and indicated barking dogs are not a good fit for a nature preserve. Mr. Robery also stated that he understands it is not the job of the county to enforce the covenant but it is their responsibility to recognize they exist.

Mike Pratt asked Mr. Robery what he suggests the Beairds do, go backwards and eliminate the dogs. Mr. Robery indicated that it might sound harsh to have them do that but it is up to whoever is buying the property to understand what the rules are. He does not want to hear the barking dogs.

Ron Conderman asked Mr. Robery how long he has lived on this property. Mr. Robery reported one year last July. Mr. Conderman asked if these dogs have bothered him since he lived on this property. Mr. Robery indicated yes and he did not realize he could complain. Mr. Robery also indicated that the Beairds have the space to expand and that is why he is worried that might happen.

Ron Conderman asked if there are other dogs in the area. Mr. Fahey indicated yes there is one other dog. That dog does bark but it is different because the owners are following the guidelines in the covenant.

Mike Pratt asked if the committee is rezoning the entire nine acres. Chris Henkel reported that it is an option for the board to consider. When the permit is filled out they describe the area to be rezoned. The board can reduce the area. The board can also limit the amount of dogs or activities that take place out there.

Joyce Beaird indicated that the AKC and the State of Illinois limit the amount of dogs they can have unless they go commercial. The covenant excludes commercial not private, she added. Commercial would be considered over 25 dogs through AKC and the State of Illinois. She stated they do not intend to have over 25 dogs or expand because she could not handle any more dogs.

Chris Henkel read the definitions of commercial and private dog kennels according to Lee County ordinances. Kevin Fahey discussed private versus commercial. Mr. Henkel indicated that under Lee County definitions these are the two special use definitions and that is what this zoning committee has to follow. Mr. Henkel read the definitions for private and commercial again.

Wayne Beaird stated that he wanted to supplement his Social Security by this operation. He reported that they let the dogs out three to four at a time every two or three hours, they are not all let out at once. Mr. Beaird indicated that the dogs may bark when someone comes up to the Beairds fence because it is the nature of a dog.

Mike Pratt asked if they have any idea of what this amounts to for annual sales. Joyce Beaird indicated that they have not made a profit. They have put a lot of time, money and effort into this.

Mr. Beaird stated that as far as the sign is concerned they have been meaning to take it down. He also stated that they have lived on this property for eight years. There are now people moving in who are objecting to this kennel.

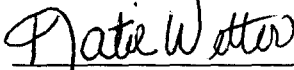
Tom Fassler made a motion for an onsite inspection on Petition No. 03-P-1383 seconded by Gene Bothe. Those voting aye: Fassler, Bothe, Pratt, Buhrow and Conderman. Those voting nay: none. Motion carried 5-0.

Chairman Conderman indicated that Petition No. 03-P-1383 will be continued until the January 2004 zoning meeting. Chairman Conderman stated that all interested parties may attend the inspection. If they wish to do so provide the zoning office with contact information. There will not be a decision made at this onsite inspection. The onsite inspection will be December 11, 2003 at 9:00 a.m.

Chris Henkel read five letters of objections that have been turned into the zoning office. Please see attached.

There being no further business in front of the board Mike Pratt made a motion to adjourn seconded by Craig Buhrow. The next Zoning meeting will be January 8, 2004.

\_\_\_\_\_  
Chairperson

  
\_\_\_\_\_  
Clerk

5. Percentage of Lot Coverage: All buildings on a building site including accessory building shall not cover more than 30% of the lot.
6. Non-occupancy and diligence during construction: The work of construction of any building or structure shall be prosecuted diligently and continuously from the time of commencement until the exterior construction shall be fully completed and the interior construction is substantially completed, and no such building or structure shall be occupied during the course of original exterior construction until made to comply with restrictions and conditions set forth herein. No excavation except as is necessary for the construction of improvements shall be permitted.
7. Temporary Structures: No structure of a temporary character shall be used on any lot at any time as a residence.
8. Signs: No sign of any kind exceeding five square feet shall be displayed for the public view on any lots except one professional sign advertising the property for sale or rent, or signs by a builder to advertise the property during the construction and sale period without approval of the Declarant, its successors and assigns. No person or firm or corporation shall strip, excavate or otherwise remove soil for sale for use other than on the premise from which the same shall be taken except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.
9. Livestock and Poultry: No animals, livestock or poultry shall be raised, bred, or kept on any lot except horses, dogs, and cats, or other common household pets may be kept provided that they are not kept or maintained for any

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commercial purpose. Pets must be confined to the property of the owner of that pet.

10. Garbage and Refuse Disposal: No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers.

11. Vehicles, Unlicensed, Non-Working: All vehicles not in working order shall be kept inside and the repairs made within the enclosure of the garage. No unlicensed or junk vehicles shall be permitted on any lot.

12. Storage: No building materials of any kind or character shall be placed or stored upon a building site until the owner is ready to commence improvements and then such material shall be placed within the property lines of the building site upon which the improvements are to be erected.

13. Wells and Sewage System: All individual sewage disposal systems shall comply with the Illinois Private Sewage Disposal Licensing Act. All private wells and sewage disposal systems must be approved by the Lee County Health Department.

14. Nuisance: No noxious or offensive activities shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or a nuisance to the other residents of the subdivision.

15. Satellite Dish: All satellite dish receivers, radio and television antennas shall be mounted on the ground and in the rear of the dwelling.

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16. Time of Completion - Construction: No house commenced on any of the premises shall remain uncompleted for a period of more than one year from the date construction is commenced

that no obnoxious fumes or excessive noise is generated.

**JUNK:** Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, and wood or lumber when not covered or stacked and kept off of the ground.

**JUNKYARD:** An open area of land and any accessory building or structure thereon which is used for buying, selling, exchanging, storing, baling, packing, disassembling or handling waste or scrap materials, including vehicles, machinery and equipment not in operable condition or parts thereof, any other metals, paper, plastics, rags, rubber tires, and bottles. Two (2) or more inoperable motor vehicles stored on a zoning lot shall be classified as a junkyard. A "junkyard" includes an automobile wrecking yard, but does not include an establishment located in the applicable manufacturing district, engaged exclusively in processing of scrap iron or other metals to be sold only to establishments engaged in manufacturing of steel or metal alloys.

**KENNEL,  
COMMERCIAL:** An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

**KENNEL,  
PRIVATE:** Any lot or premises or portion thereof on which more than four (4) dogs are kept over four (4) months of age, or where more than four (4) cats or other domestic animals are kept, or where any dog or other domestic animals are boarded for compensation or kept for sale.

