

IN THE MATTER OF THE APPLICATION  
OF **DAVID AND ERIN KERPEL** FOR A  
VARIATION OF THE UNIFIED DEVELOPMENT  
ORDINANCE OF McHENRY COUNTY, ILLINOIS

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#2022-045

WHEREAS, your petitioners **DAVID AND ERIN KERPEL** have filed a petition with the McHenry County Hearing Officer, requesting a **variation** as it relates to the McHenry County Unified Development Ordinance and to the real property more fully described as:

**THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 46 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 1 DEGREE 04 MINUTES 07 SECONDS EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, 764.92 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 1 DEGREE 04 MINUTES 07 SECONDS EAST ALONG SAID WEST LINE, 330.00 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN DOCUMENT # 747445 AS RECORDED SEPTEMBER 26, 1978 IN MCHENRY COUNTY, ILLINOIS; THENCE SOUTH 89 DEGREES 10 MINUTES 26 SECONDS EAST ALONG THE WESTERLY EXTENSION OF THE OCCUPIED WOODEN AND WIRE FENCELINE, 132.08 FEET TO THE WESTERLY END OF SAID FENCELINE; THENCE CONTINUING SOUTH 89 DEGREES 10 MINUTES 26 SECONDS EAST ALONG SAID FENCELINE, 73.95 FEET; THENCE SOUTH 89 DEGREES 30 MINUTES 15 SECONDS EAST ALONG SAID FENCELINE, 89.77 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 5 SECONDS EAST ALONG SAID FENCELINE, 13.86 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 25 SECONDS EAST ALONG SAID FENCELINE, 130.64 FEET; THENCE SOUTH 89 DEGREES 07 MINUTES 34 SECONDS EAST ALONG SAID FENCELINE, 48.39 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES 53 SECONDS EAST ALONG SAID FENCELINE, 71.71 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 29 SECONDS EAST ALONG SAID FENCELINE, 80.70 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 26 SECONDS EAST ALONG SAID FENCELINE, 63.55 FEET; THENCE NORTH 88 DEGREES 23 MINUTES 22 SECONDS EAST ALONG SAID FENCELINE, 23.98 FEET; THENCE NORTH 88 DEGREES 46 MINUTES 5 SECONDS EAST ALONG SAID FENCELINE, 32.47 FEET; THENCE NORTH 86 DEGREES 39 MINUTES 32 SECONDS EAST ALONG SAID FENCELINE, 38.31 FEET TO A POINT ON SAID EAST LINE OF LANDS DESCRIBED IN DOCUMENT # 747445; THENCE SOUTH 1 DEGREE 04 MINUTES 07 SECONDS WEST ALONG SAID EAST LINE OF SAID LANDS DESCRIBED IN DOCUMENT # 747445, FOR A DISTANCE OF 325.22 FEET TO THE SOUTHWEST CORNER OF SAID LANDS DESCRIBED IN DOCUMENT # 747445; THENCE SOUTH 89 DEGREES 41 MINUTES 58 SECONDS WEST ALONG THE SOUTH LINE OF SAID LANDS DESCRIBED IN DOCUMENT # 747445, FOR A DISTANCE OF 799.32 FEET TO THE POINT OF BEGINNING, PARCEL CONTAINING 5.9623 ACRES, MORE OR LESS, IN MCHENRY COUNTY, ILLINOIS.**

**PIN # 05-07-100-024**

More commonly known as **10720 Zarnstorff Road, Richmond, Illinois.**

WHEREAS, the Petition requests no reclassification of the subject property from its present classification which is **"A-1" Agriculture District; but Variations be granted to the property to allow for 1) a minimum setback of twenty (20) feet instead of the minimum one hundred (100) feet required from the north property line for an Animal Care Shelter, and 2) a minimum setback of forty-five (45) feet instead of the minimum one-hundred (100) feet required from the south property line for an Animal Care Shelter.**

WHEREAS, the subject property consists of approximately **5.96 acres** in which no reclassification is contemplated.

WHEREAS, a hearing on said petition was held before the Hearing Officer of McHenry County in the manner and the form as prescribed by the Ordinance and Statute; and

WHEREAS, as a result of said hearing, the taking of evidence, and the viewing of exhibits advanced thereat, the Hearing Officer of McHenry County ***did recommend the granting of Variations to allow for 1) a minimum setback of twenty (20) feet instead of the minimum one hundred (100) feet required from the north property line for an Animal Care Shelter, and 2) a minimum setback of forty-five (45) feet instead of the minimum one-hundred (100) feet required from the south property line for an Animal Care Shelter, subject to the following conditions:***

1. *Operation of the animal care shelter shall be in substantial conformance with the site plan dated January 4, 2023 (attached).*
2. *Outdoor runs shall be prohibited along the North, East, and West sides of the building.*
3. *The area east of the building shall not be used as a play area but may be utilized for training no more than two (2) dogs at a time.*
4. *An Architect shall design a sound attenuation barrier along the interior north side of the building to be submitted as part of the commercial building permit application to the Department of Planning and Development. Consultation with an Acoustic Engineer would be recommended as part of the design process.*
5. *Any structure, or part thereof, to be utilized in association with an Animal Care Shelter shall be subject to McHenry County commercial code requirements, as well as the McHenry County Public Health Ordinance.*
6. *The applicant must provide a report to the McHenry County Department of Health to describe how the proposed Animal Care Shelter will provide sanitary disposal, solid waste disposal, and noise control. The report shall be approved by the McHenry County Department of Health prior to approval of the use.*
7. *Exercise yards, when provided for training or exercising, are restricted to use from dawn to dusk.*
8. *All other federal, state, and local laws shall be met.*

WHEREAS, the McHenry County Board has considered the recommendation as submitted by the Hearing Officer of McHenry County.

WHEREAS, the McHenry County Board has determined that the standards for a variation as set forth in the McHenry County Unified Development Ordinance and the Illinois Compiled Statutes have been met.

NOW, THEREFORE BE IT ORDAINED, that the Unified Development Ordinance and the Zoning Maps of McHenry County and such Ordinances and such maps as amended, be and the same are hereby amended to allow ***Variations to allow for 1) a minimum setback of twenty (20) feet instead of the minimum one hundred (100) feet required from the north property line for an Animal Care***

***Shelter, and 2) a minimum setback of forty-five (45) feet instead of the minimum one-hundred (100) feet required from the south property line for an Animal Care Shelter, subject to the following conditions:***

- 1. Operation of the animal care shelter shall be in substantial conformance with the site plan dated January 4, 2023 (attached).*
- 2. Outdoor runs shall be prohibited along the North, East, and West sides of the building.*
- 3. The area east of the building shall not be used as a play area but may be utilized for training no more than two (2) dogs at a time.*
- 4. An Architect shall design a sound attenuation barrier along the interior north side of the building to be submitted as part of the commercial building permit application to the Department of Planning and Development. Consultation with an Acoustic Engineer would be recommended as part of the design process.*
- 5. Any structure, or part thereof, to be utilized in association with an Animal Care Shelter shall be subject to McHenry County commercial code requirements, as well as the McHenry County Public Health Ordinance.*
- 6. The applicant must provide a report to the McHenry County Department of Health to describe how the proposed Animal Care Shelter will provide sanitary disposal, solid waste disposal, and noise control. The report shall be approved by the McHenry County Department of Health prior to approval of the use.*
- 7. Exercise yards, when provided for training or exercising, are restricted to use from dawn to dusk.*
- 8. All other federal, state, and local laws shall be met.*

This Ordinance shall be in full force and effect from and after its passage as by law provided.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Chairperson, McHenry County Board  
McHenry County, Illinois

ATTEST:

\_\_\_\_\_  
County Clerk

NUMBER VOTING AYE: \_\_\_\_\_

NUMBER VOTING NAY: \_\_\_\_\_

NUMBER ABSTAINING: \_\_\_\_\_

NUMBER ABSENT: \_\_\_\_\_

**Burton Township**  
**PLAN REVIEW REPORT**  
**VARIATION REQUEST APPLICATION #2022-045**

**Hearing Date: December 13, 2022**  
**2<sup>nd</sup> Hearing Date: January 10, 2023**

**Applicant:** David and Erin Kerpel, **Applicants** (Riley Veillon & Jean-Paul Veillon, Owners of Record)

**Request:** **Variation** within the **A-1 Agriculture District** to allow for 1) a setback of twenty (20) feet along the north property line, instead of the minimum one hundred (100) feet required for an Animal Care Shelter and 2) a setback of forty-five (45) feet along the south property line, instead of the minimum one hundred (100) feet required for an Animal Care Shelter. (*McHenry County Unified Development Ordinance §16.56.030.X.6*)

**Location:** The subject property consists of approximately 5.96 acres and is located on the east side of Zarnstorff Road, approximately 750 feet north of its intersection with Illinois Route 173. Common address: 10720 Zarnstorff Road, Richmond, Illinois, in Burton Township. PIN: 05-07-100-024

**Current Land Use:** The property is designated **Single-Family Residential** on the Current Land Use map.

<b>Adjacent Land Use:</b> North: <i>Single-Family Residential</i>	East: <i>Vacant</i>
South: <i>Agriculture</i>	West: <i>Agriculture</i>

**Current Zoning:** The property is currently zoned **A-1 Agriculture District**

<b>Adjacent Zoning:</b> North: <i>A-1 Agriculture</i>	East: <i>A-1 Agriculture</i>
South: <i>A-1 Agriculture</i>	West: <i>A-1 Agriculture</i>

**2030 Plan:** The property is designated **Estate** on the *McHenry County Land Use Plan Map*.

<b>Municipal Plans</b>	Fox Lake: No Designation	Spring Grove: Estate Residential
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**Improvements:** The subject property contains a two-story brick and frame residence, brick patio, wood deck, gravel driveway, concrete walkway, and frame shed according to the Plat of Survey, as well as a 20,000 square foot pole barn that was constructed on site in 2021.

**Natural Resources:** No wetlands are found on the subject property. Due to the size of the parcel, impact to natural resources from the proposed use is minimal, according to Natural Resources Inventory (NRI) Letter L22-061-4452.

**Flood Hazard Areas:** No floodplain was found on the site.

**Flood-of-Record:** No Flood of Record was found on the site.

**SARA:** The site is located in a zone with elevated aquifer contamination potential, according to the McHenry County Sensitive Aquifer Recharge Area (SARA) map.

**Comments/ Conclusion:**

- Violation #2022-00128 is currently open for development in excess of 20,000 square feet without a Stormwater Management Permit and Violation #2022-00300 is currently open for non-completion of inspections for Permit #K-0691. The contract purchaser should be aware that these violations remain open and will require compliance to be closed out prior to occupancy of the structure.
- The residence on the property was constructed in 1978 with a valid permit, #D-0854.

- The applicant should be aware that under **Section 16.20.020 (F)** of the **McHenry County Unified Development Ordinance**, several standards are cited, all of which must be met for a Variation to be granted. These standards include hardship in relation to the site conditions, that the request is unique to the property, that the purpose of the request is not based on any monetary gain, that the petitioners did not cause or create the hardship, that the request is not detrimental to the public welfare and safety, that the request will not impair adequate light and air to adjacent property, or increase congestion in the public streets, or increase danger of fire, and that the request not confer any special privilege to the applicant that is denied to others of the same zoning district.
- An Illinois Department of Natural Resources (IDNR) report was not required for this project.
- The pole barn was constructed in 2021 with the intention of being utilized as a horse arena, which is allowed to be a minimum of ten (10) feet from the north side lot line. The current request for setback reductions is specific to the intended Animal Care Shelter use proposed by the Contract Purchasers. ~~Staff would consider recommendation for approval of this request subject to the following conditions:~~
  - ~~1. An Architect shall design an acceptable sound attenuation barrier along the interior north side of the building to be submitted as part of the commercial building permit application to the Department of Planning and Development. Consultation with an Acoustic Engineer would be recommended as part of the design process.~~
  - ~~2. Any structure, or part thereof, to be utilized in association with an Animal Care Shelter shall be subject to McHenry County commercial code requirements, as well as the McHenry County Public Health Ordinance.~~
  - ~~3. The applicant must provide a report to the McHenry County Department of Health to describe how the proposed Animal Care Shelter will provide sanitary disposal, solid waste disposal, and noise control. The report shall be approved by the McHenry County Department of Health prior to approval of the use.~~
  - ~~4. Exercise yards, when provided for training or exercising, are restricted to use from dawn to dusk.~~

~~Staff also recommends consideration of additional screening as is deemed appropriate along the north property line.~~



## Aerial Photo

10720 Zarnstorff Road, Richmond, Illinois

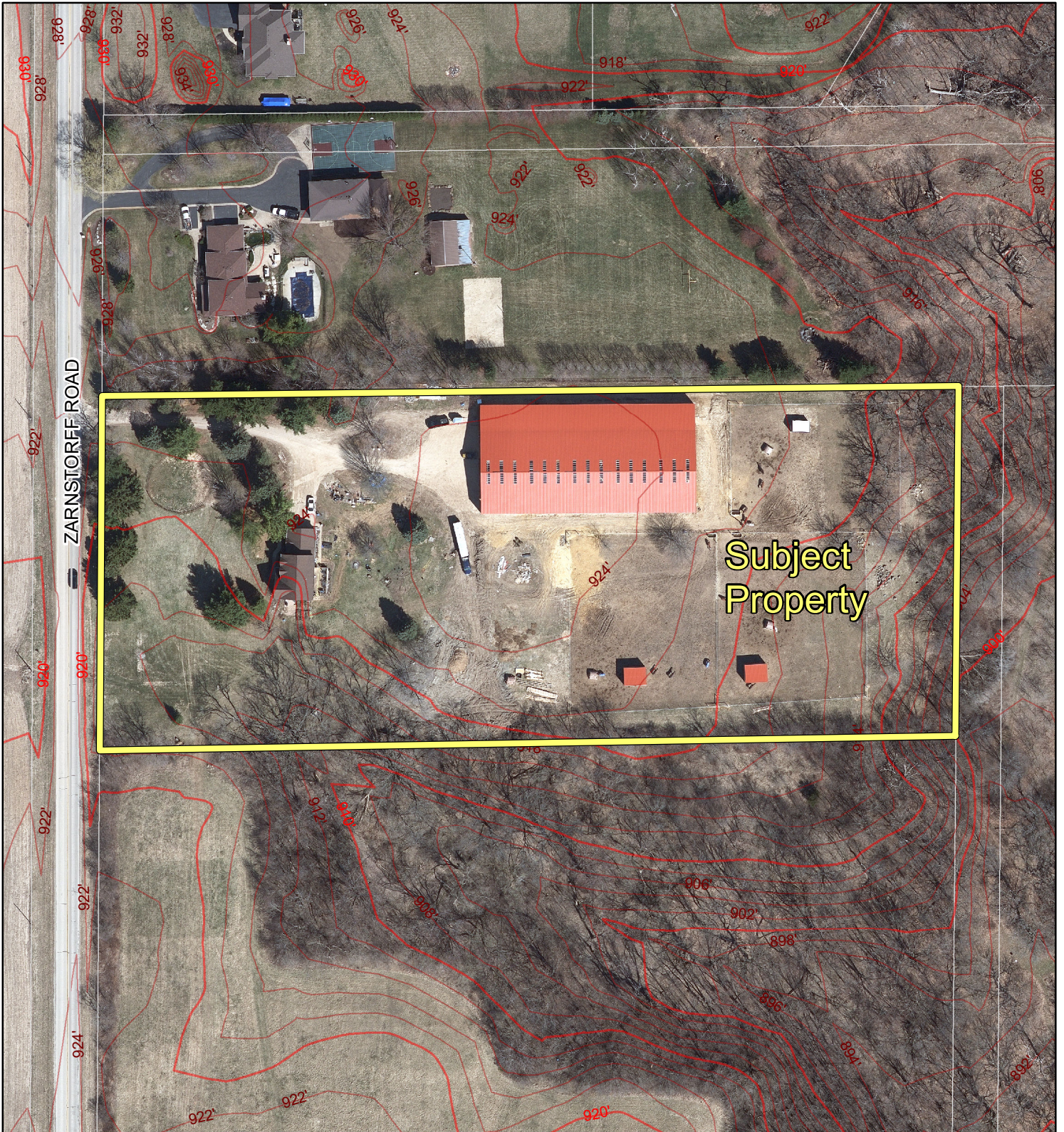
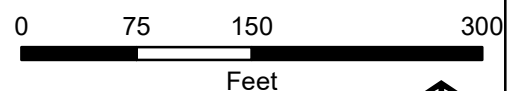


Photo: 2021

Any parcel lines depicted on the aerial photograph are for general reference only. Please refer to the plat of survey for the location of lot or parcel lines.

**Elevation** (feet above sea level)

- 10-foot contours  
— 2-foot contours

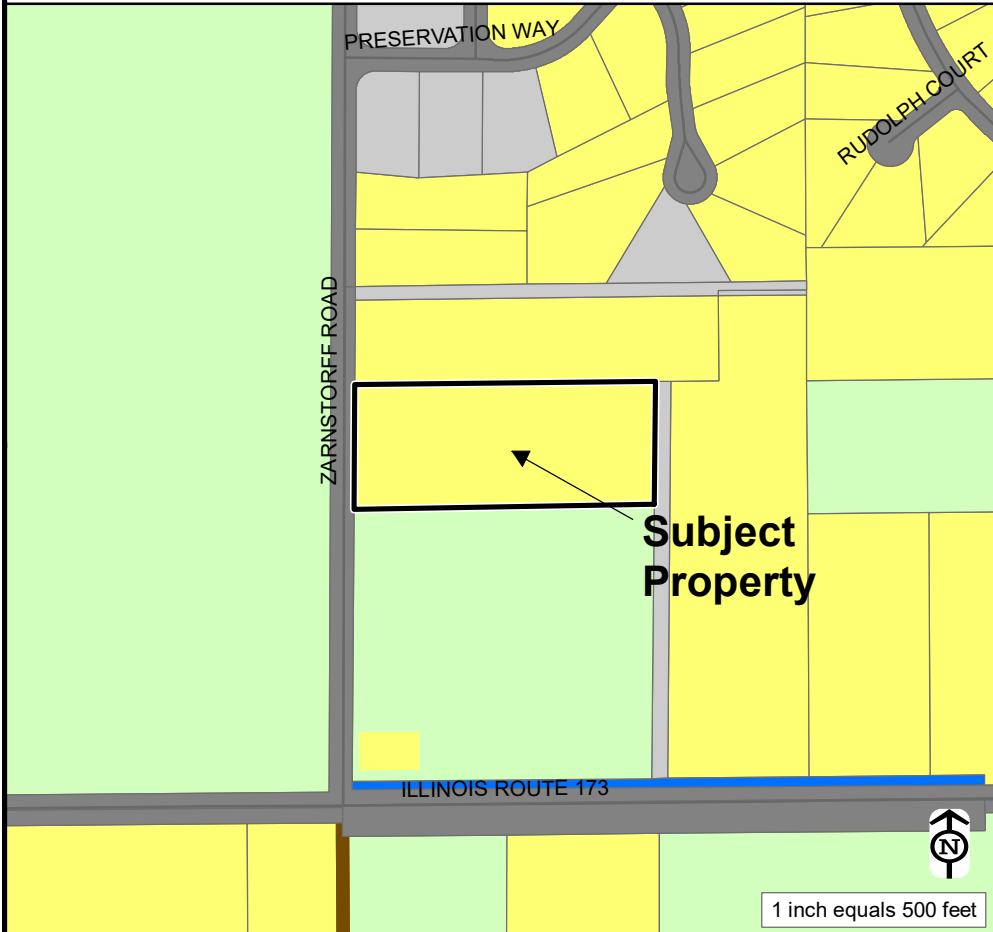


Prepared by the McHenry County  
Department of Planning and Development





## Current Land Use Map



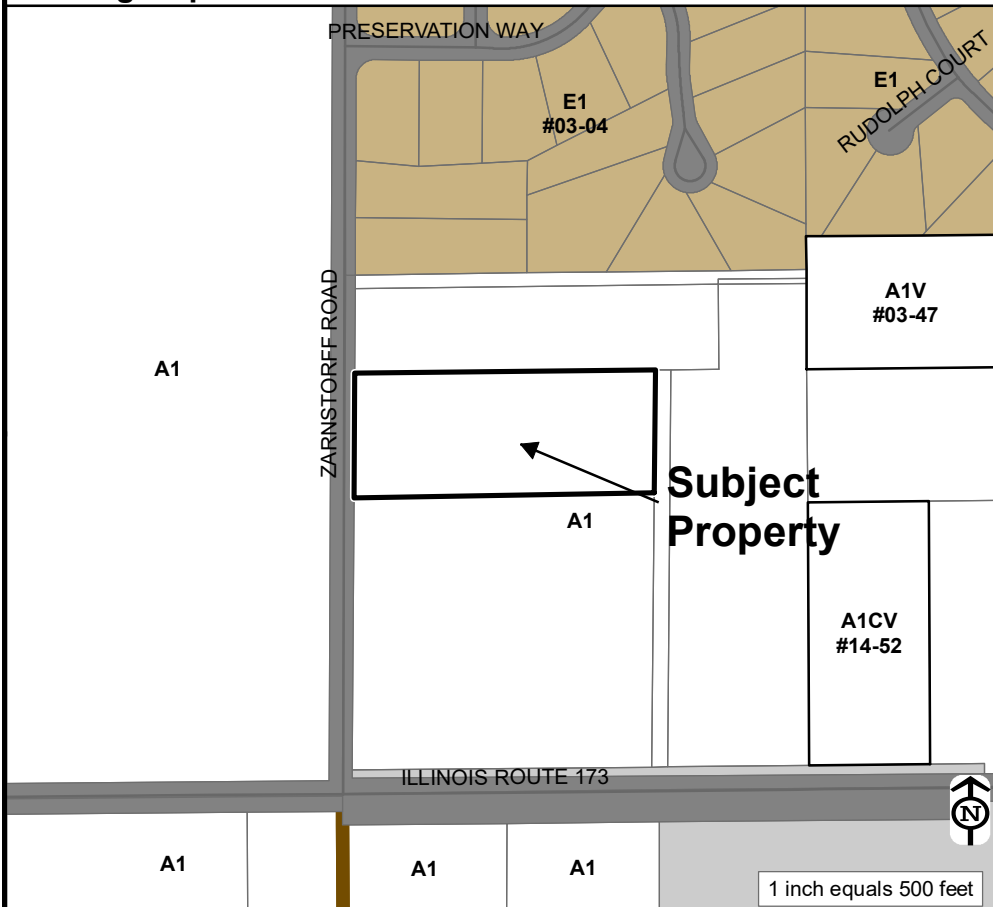
### Current Land Use *Single-Family Residential*

#### Land Use Adjacent to the PIQ

North: *Single-Family Residential*  
 South: *Agriculture*  
 East: *Vacant*  
 West: *Agriculture*

- Agriculture
- MCCD Agriculture
- Single-Family Residential
- Multi-Family Residential
- Open Space
- Golf Course
- Commercial
- Office
- Industrial
- Mixed Use
- Earth Extraction
- Vacant
- Government / Institutional
- Transportation, Communication, Utilities
- Under Review

## Zoning Map

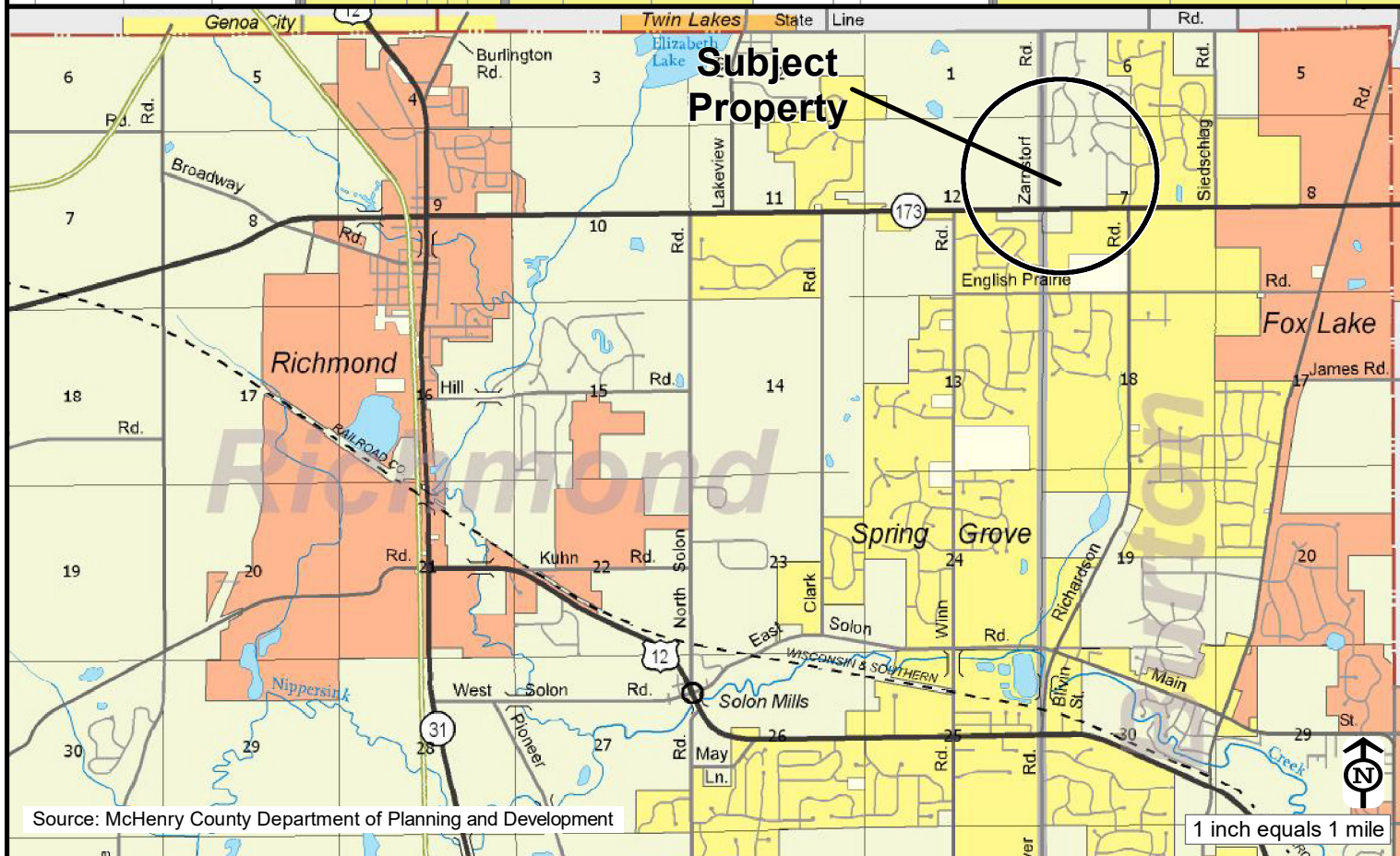
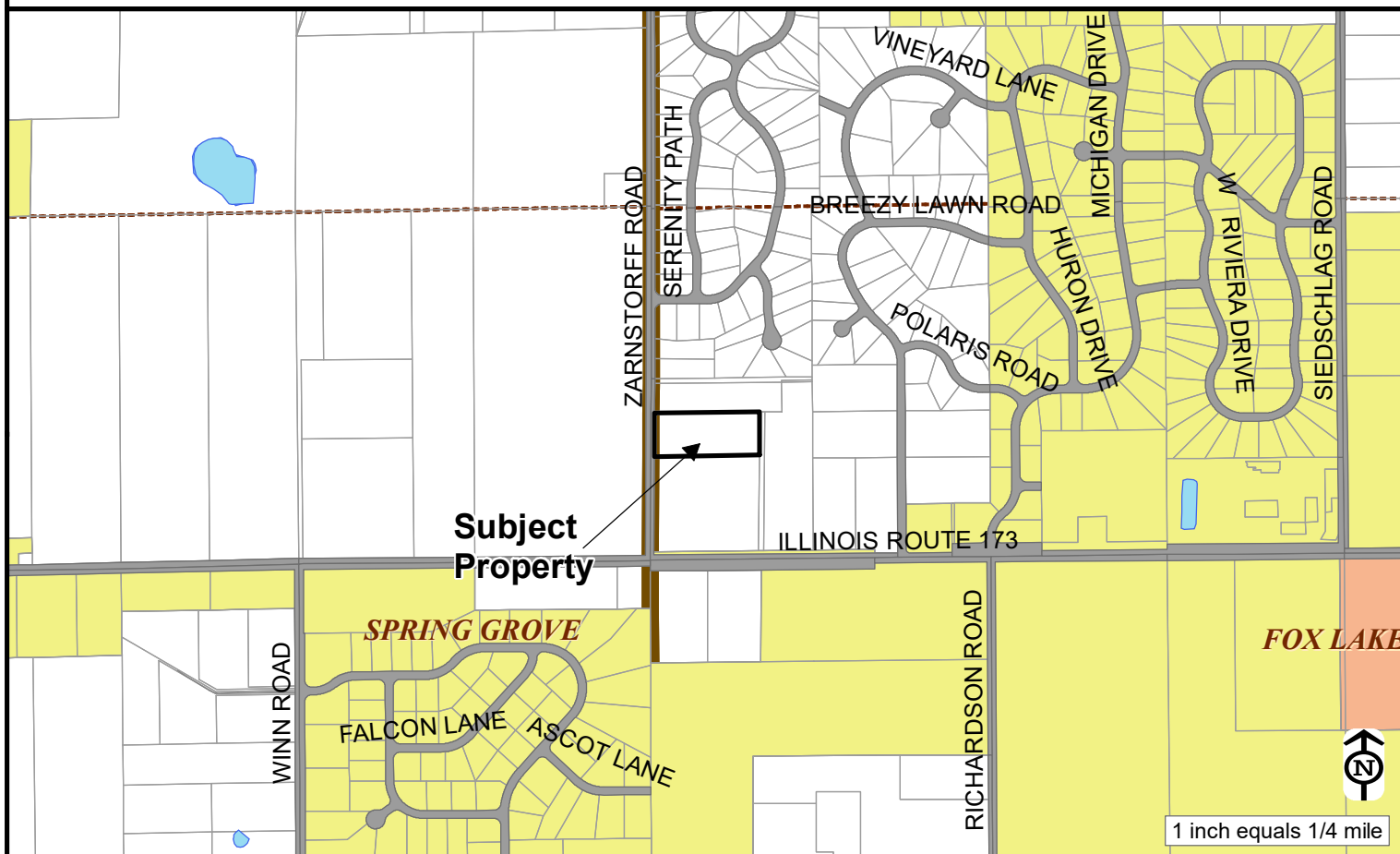


### Current Zoning **A-1 Agriculture District**

#### Adjacent Zoning

North: A-1 Agriculture District  
 South: A-1 Agriculture District  
 East: A-1 Agriculture District  
 West: A-1 Agriculture District

- A-1 Agriculture
- A-2 Agriculture
- E-5 Estate
- E-3 Estate
- E-2 Estate
- E-1 Estate
- R-1 Single-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- B-1 Neighborhood Business
- B-2 Liquor Business
- B-3 General Business
- O Office / Research
- I-1 Light Industrial
- I-2 Heavy Industrial
- PD Planned Development
- C Conditional Use
- V Variation
- Incorporated

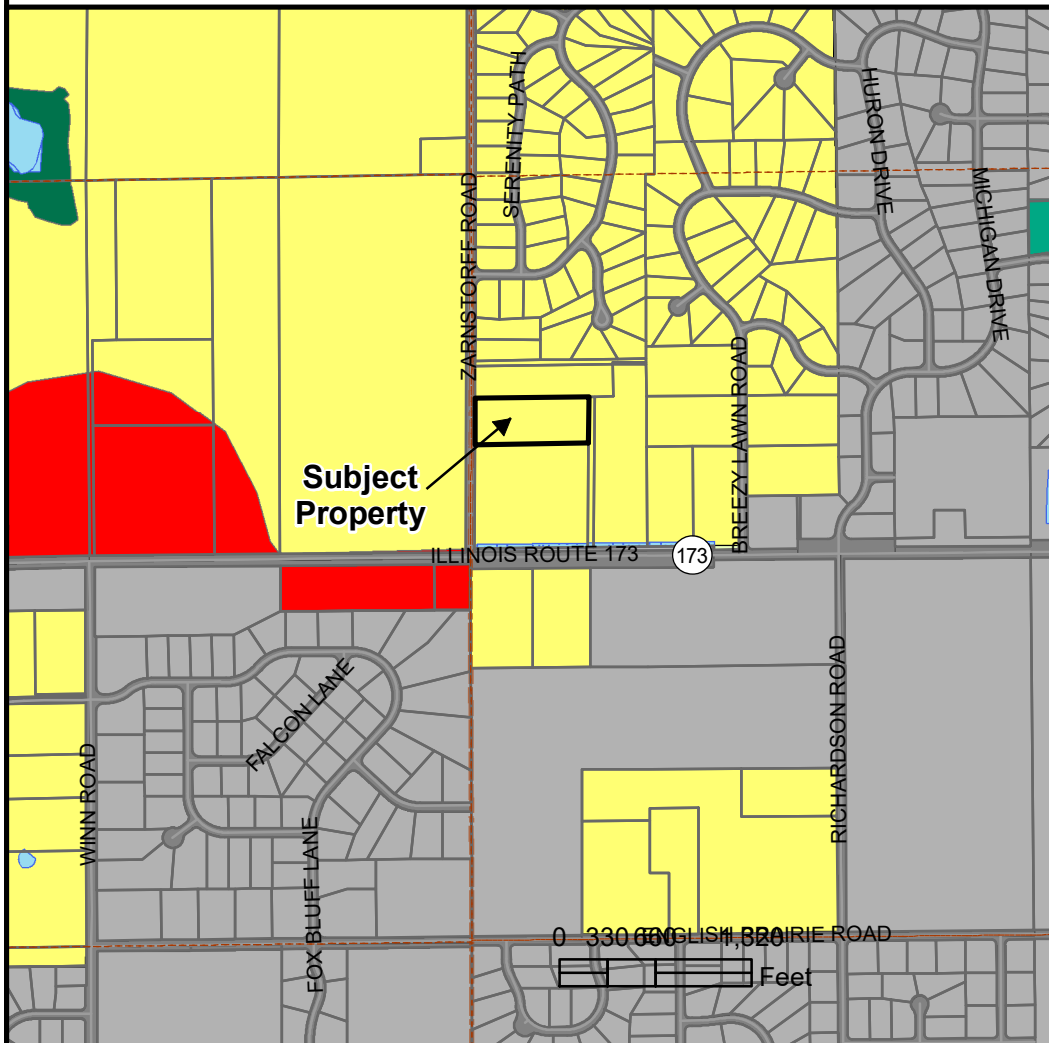




# McHenry County 2030 Comprehensive Plan Future Land Use Map

## Future Land Use Map Designation

*Estate*



- Agricultural
  - Open Space
  - Environmentally Sensitive Area
  - Estate
  - Isolated Estate
  - Residential
  - Isolated Residential
  - Retail
  - Mixed Use
  - Office, Research, Industrial
  - Gov't, Institutional, Utilities
  - TOD Existing Rail Station
  - TOD Future Rail Station
  - Active Earth Extraction Site
  - Municipality
- Scale: 1 inch = 1/4 mile

### Municipal/Township Plan Designations

Burton Township: No Designation

Village of Fox Lake: No Designation

Village of Spring Grove: Estate Residential

### McHenry County 2030 Comprehensive Plan — Text Analysis

#### Land Use

Estate includes existing and proposed areas for single-family residential uses at gross densities of one to five acres per dwelling unit. Estate land use is generally designated in areas that are not projected to have access to public sewer and water. Where appropriate, conservation design is encouraged in order to cluster lots and maintain open space within estate developments. Increased estate densities are encouraged where appropriate; however, estate development in close proximity to a municipality should take into consideration that municipality's densities (p. 134).

#### Sensitive Aquifer Recharge Areas

The site is located in a zone with elevated contamination potential.

### Sensitive Aquifer Recharge Areas (SARA)



Sensitive Recharge Area



Proximity Diagram

10720 ZARNSTORFF RD

RICHMOND, IL.



Forever Home  
Dog Sanctuary  
Forever Home Dog Sanctuary

Kioxin

The Cure for Common Architecture  
1/4/2023  
© 2023

# McHENRY-LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT



1648 S. Eastwood Dr. Woodstock, Illinois 60098 (815) 338-0444 ext. 3 [www.mchenryswcd.org](http://www.mchenryswcd.org)

November 1, 2022

David Kerpel  
1630 Portage Pass  
Deerfield, IL 60015

<u>Re:</u>	Parcel # 05-07-100-024
<u>Common Location:</u>	10720 Zarnstorff Road, Richmond, IL 60071
<u>NRI#</u>	L22-061-4452
<u>Zoning Change:</u>	A1 to A1 Variance

Dear Mr. Kerpel:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for Natural Resource Information Report on the David & Erin Kerpel property as applied for in Report #22-061-4452. Due to the size of the parcel, the SWCD finds that impact to natural resources from the proposed use is minimal for the purposes of the NRI report. A full Natural Resource Information Report will not be necessary.

No wetlands, hydric soils, or floodplains were found on the site from office maps. Our inventories are for informational and planning purposes only. Any proposed drainage work, in wet areas, requires a certified wetland delineation. If drainage work is to occur, please contact the Army Corps of Engineers and McHenry County Department of Planning & Development for permit information.

This letter fulfills your requirement to notify the SWCD of land use changes as per the Illinois Compiled State Statutes, Chapter 70, Par. 405/1 et seq. Illinois Revised Statutes, Ch. 5, Par 106 et seq. and the McHenry County Stormwater Ordinance. If you have any questions concerning this letter, feel free to call our office.

Sincerely,

Ryan Bieber  
Urban Conservation Specialist

cc. Kim Charlow, McHenry County Department of Planning and Development,  
[KBScharlow@mchenrycountyil.gov](mailto:KBScharlow@mchenrycountyil.gov)



**HEARING OFFICER REPORT TO THE MCHENRY  
COUNTY BOARD IN THE MATTER OF PETITION #2022-045**

1. **Recommendation:** Approve
2. **Applicant:** David and Erin Kerpel, Applicants  
Riley Veillon and Jean-Paul Veillon, Owners of Record
3. **Request:** Variations to allow for 1) a setback of twenty (20) feet along the north property line, instead of the minimum one hundred (100) feet required for an Animal Care Shelter and 2) a setback of forty-five (45) feet along the south property line, instead of the minimum one hundred (100) feet required for an Animal Care Shelter (*McHenry County Unified Development Ordinance §16.56.030.X.6*)
4. **Location and size of property in question:** The subject property consists of approximately 5.96 acres and is located on the east side of Zarnstorff Road, approximately 750 feet north of its intersection with Illinois Route 173. Common address: 10720 Zarnstorff Road, Richmond, Illinois, in Burton Township.  
PIN: 05-07-100-024
5. **Present at hearing:**  
  
David Kerpel and Erin Kerpel, Applicants  
Michael J. McNerney, Hearing Officer  
Kim Scharlow, County Staff; Renee Hanlon, County Staff; Linda Marzahl, Chris Marzahl, E. William Maloney, Debbie Leable, Christopher Lonergan, Melissa Rapanos, Gary Baseley, Nancy Putnam, Heidi Sparacino
6. **Date, time and location of the hearing:** December 13, 2022 at 11:00 a.m. and January 10, 2023 at 11:00 a.m., McHenry County Government Center, Ware Road Administration Building, Woodstock, IL 60098.
7. **Items of evidence:**  
Official Site Plan, Application to allow variance, Natural Resource Information Report, McHenry-Lake County Soil & Water Conservation District Letter of L22-061-4452,
8. **Summary of Testimony at the hearing:**

**December 13, 2022**

The Hearing Officer opened the meeting and described the property and the request.

David Kerpel explained that he intends to operate an animal care shelter, known as Furever Home Dog Sanctuary. The dogs would be kept inside of an existing pole barn and would utilize outdoor dog runs and play areas. He stated that he would not intend to reside on the subject property, but there would be a caretaker living in the home to provide care for the dogs at all times. Mr. Kerpel indicated that the Sanctuary was incorporated in February of 2022 and became a 501c3 in July of 2022.

Mr. Kerpel stated that he has wanted to run a dog rescue since he was young. He explained the differences between a sanctuary and a kennel, noting that this would not be a place where dogs would be held and given up for adoption every couple of weeks. He intends to give a home to dogs that are deemed unadoptable, due to age or medical issues, and they would have the opportunity to be rehabilitated with dog trainers. They may be adopted or fostered out, but if not, they would spend their lives at the sanctuary. Staff noted the difference between an animal care shelter (permitted by right within the A-1 Agriculture District) and a commercial kennel, which would require a Conditional Use Permit.

Mr. Kerpel pointed out that they do not have a contract to purchase the property yet, but they have been in talks with the owners about purchasing, pending the outcome of the Variation requests.

Staff noted that the existing barn had a minimum setback requirement of ten (10) feet from the north property line, as it was permitted as agricultural exempt. However, it was constructed twenty (20) feet from the lot line, exceeding the requirement for agriculture, but not compliant with the minimum one hundred (100)-foot setback for an animal care shelter. Staff pointed out that, prior to use of the structure for an animal care shelter, applicable commercial building code requirements would also need to be met.

Mr. Kerpel stated that his architect has been speaking with an acoustic engineer to discuss sound insulation for the structure. Chris Lonergan, architect with Kioxin Architecture, indicated that the existing barn is basically a wood skeleton and would need to be finished with rigid insulation, bat insulation or mineral wool insulation, and an interior finish, along with finished flooring. He noted that the 2018 International Energy Conservation Code requires that any space to be heated or cooled be enclosed up the walls and across the roof, which can also help to minimize noise.

Mr. Kerpel described the proposed dog runs as being inside partially inside the building and partially outside. He noted that he initially proposed dog runs along the north side of the building but has since removed them from his plan. Discussion was held with regard to the number of dogs, and Mr. Kerpel explained that he does not know how many dogs they would have, as some may share dog runs. (Subsequent to the zoning hearing, Mr. Kerpel did modify his site plan so that the only proposed runs are along the south side of the building, further limiting the potential number of dogs.)

Bill Maloney, attorney for neighbors, Christopher and Linda Marzahl, stated that they reside immediately to the north of the subject property and are objecting to the request for variations. They believe the sanctuary could create a public noise nuisance and concern for smell, and that the value of their property could be diminished if the request were to be granted. Mr. Maloney noted that Mr. and Mrs. Lindsey also registered an objection, although they were not present. Mr. and Mrs. Marzahl mentioned that they have three rescue dogs and expressed concern that having all of the dogs on the adjacent property would cause additional barking.

Heidi Sparacino stated that the outdoor play yards would never be utilized by many dogs at one time. She noted that there would be trainers interacting with one or two dogs, so there would not be a lot of barking.

Mr. Kerpel addressed the Approval Standards for Zoning Variation, noting that he does not believe the requested variations would be a detriment to the surrounding properties. He explained that the dogs would be well cared for and the property would be fenced.

**January 10, 2023**

The Hearing Officer recalled the hearing and stated that there were no members of the public present. Mr. Kerpel indicated that he had a chance to review conditions proposed by Staff and stated that they could comply with them. Staff pointed out that a revised site plan had been submitted showing dog runs only along the south side of the building.

The Hearing Officer found that the Standards had been met and recommended approval of the request, subject to the following conditions:

- 1. Operation of the animal care shelter shall be in substantial conformance with the site plan dated January 4, 2023 (attached).*
- 2. Outdoor runs shall be prohibited along the North, East, and West sides of the building.*
- 3. The area east of the building shall not be used as a play area but may be utilized for training no more than two (2) dogs at a time.*
- 4. An Architect shall design a sound attenuation barrier along the interior north side of the building to be submitted as part of the commercial building permit application to the Department of Planning and Development. Consultation with an Acoustic Engineer would be recommended as part of the design process.*
- 5. Any structure, or part thereof, to be utilized in association with an Animal Care Shelter shall be subject to McHenry County commercial code requirements, as well as the McHenry County Public Health Ordinance.*
- 6. The applicant must provide a report to the McHenry County Department of Health to describe how the proposed Animal Care Shelter will provide sanitary disposal, solid waste disposal, and noise control. The report shall be approved by the McHenry County Department of Health prior to approval of the use.*
- 7. Exercise yards, when provided for training or exercising, are restricted to use from dawn to dusk.*
- 8. All other federal, state, and local laws shall be met.*



**9. Planning and Development Report – comments and conclusions:**

**Current Land Use:** The property is designated Single-Family Residential on the Current Land Use map.

**Adjacent land use:**

North: Single-Family Residential  
South: Agriculture  
East: Vacant  
West: Agriculture

**Current Zoning:** the property is currently zoned A-1 Agriculture District

**Adjacent zoning:**

North: A-1 Agriculture  
South: A-1 Agriculture  
East: A-1 Agriculture  
West: A-1 Agriculture

**2030 Plan:** The property is designated Estate on the McHenry County Land Use Plan Map.

**Municipal Plans within 1.5 miles:**

Fox Lake: No Designation                      Spring Grove: Estate Residential

**Improvements:** The subject property contains a two-story brick and frame residence, brick patio, wood deck, gravel driveway, concrete walkway, and frame shed according to the Plat of Survey, as well as an approximate 20,000 square foot pole barn that was constructed on site in 2021.

**Natural Resources:** No wetlands were found on site. Due to the size of the parcel, the Soil and Water Conservation District finds that impact to natural resources from the proposed use is minimal, according to Natural Resources Inventory (NRI) Letter L22-061-4452.

**Flood Hazard Areas:** No flood hazard areas were found on the site.

**Flood-of-Record:** No floods-of-record were found on the site.

**SARA:** The site is located in a zone with elevated aquifer contamination potential, according to the McHenry County Sensitive Aquifer Recharge Area (SARA) map.

The Affidavit of Posting, mailings and legal notice were checked and found to be acceptable. The McHenry-Lake County Soil & Water Conservation District determined that a full report was not necessary.

**10. STAFF COMMENTS & CONCLUSIONS:**

- \* Violation #2022-00128 is currently open for development in excess of 20,000 square feet without a Stormwater Management Permit and Violation #2022-00300 is currently open for non-completion of inspections for Permit #K-0691.
- \* The residence on site was constructed in 1978 with a valid permit, #D-0854.
- \* An Illinois Department of Natural Resources (IDNR) report was not required for this Project.

**11. Recommended findings of fact as to the Request for the Variation:**

The Standards for Variation, listed in Sec. 16.20.020.F of the McHenry County Unified Development Ordinance, have been met and granting this variation is recommended.

**Sec. 16.20.020F.1: The particular surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.**

Witness testified that the structure is existing and he does not plan to expand the building closer to the north lot line.

**Sec. 16.20.020F.2: The conditions upon which the application for a variation are based are unique to the property for which the variation is sought and are not generally applicable to other property within the same zoning district.**

The Witness testified that is true.

**Sec. 16.20.020F.3: The purpose of the variation is not based exclusively upon a desire to increase the monetary gain realized from the property.**

The Witness testified that is true, as he is intending to operate a 501c3 to house a dog sanctuary and not operate as a commercial dog kennel.

**Sec. 16.20.020F.4: The alleged difficulty or hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property.**

Witness testified that the structure is existing.

**Sec. 16.20.020F5: That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.**

The Witness testified that the proposed improvement would not be injurious to adjacent properties and that steps have been taken to minimize impact on adjacent properties.

**Sec. 16.20.020F6: The proposed variation will not impair an adequate supply of**

**light or air to the adjacent property or substantially increase congestion in the public streets or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the adjacent neighborhood.**

Witness testified that the proposed variation would have no negative impact on public streets or public safety and would not negatively impact neighboring property values.

**Sec.16.20.020F.7. The granting of the variation requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings of the same zoning district.**

The evidence establishes that the property owner would not be gaining a special privilege by the granting of this request, as it is a reasonable request that should be granted to other property owners, if they so requested, as was also attested to by the witness.

The Witness has met their burden of establishing the necessary ordinance requirements. Accordingly, it is my recommendation that the petitioner's request be granted.

Respectfully submitted,

/S/: *Michael J. McNerney*  
Michael J. McNerney