

Ordinance

DC-O-0030-22

WHEREAS, a public hearing was held on April 14, 2022 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

1. Conditional Use to increase to total permitted dogs allowed on the property at any one time from 50 to 100 dogs;
2. Conditional Use for a foster care and adoption facility for local rescues; and
3. Conditional Use to host vaccination clinics, on the property hereinafter described:

OF THAT PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS, DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15, AND RUNNING THENCE NORTH 88 DEGREES 51 MINUTES EAST ALONG THE SOUTH LINE OF SAID SECTION 15, 1065.5 FEET FOR A PLACE OF BEGINNING: THENCE NORTH 1 DEGREE 9 MINUTES WEST, AT RIGHT ANGLES WITH THE SOUTH LINE OF SAID SECTION 15, 799.0 FEET; THENCE NORTH 88 DEGREES 51 MINUTES EAST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 15, 300.0 FEET; THENCE SOUTH 1 DEGREE 9 MINUTES EAST, AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 799.0 FEET TO THE SOUTH LINE OF SAID SECTION 15; THENCE SOUTH 88 DEGREES 51 MINUTES WEST ALONG SAID LINE, 300.0 FEET TO THE PLACE OF BEGINNING; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on May 5, 2022 does find as follows:

**FINDINGS OF FACT:**

- A. That petitioner testified that the subject zoning relief is to amend the existing Conditional Use to continue as a single-family home with dog kennel, training, and dog day care facility (including grooming services and pet supply shop), and to increase the total permitted dogs allowed on the property at any one time from 50 to 125 dogs; Conditional Use for a foster care and adoption facility for local rescues; and Conditional Use to host vaccination clinics.
- B. That petitioner testified that they have approximately 4.6 acres of land which presently has a dog kennel business that includes training services, dog day care, grooming, pet supplies, and overnight care.
- C. That petitioner testified that due to COVID-19, they have had an increase in business and would like to modernize the property, increase boarding services, and provide foster care and local rescue services.
- D. That petitioner testified that the property to the north and east is Forest Preserve and then Route 59, to the south is townhomes, and to the west is single family homes.
  - a. That petitioner testified that the closest residential neighbor is approximately 368.75 feet away.

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- E. That petitioner testified that with the proposed modernization, they are moving most of their outdoor activities indoor - including dog training and dog kennels, which will assist with noise and safety.
  - a. Furthermore, that all dog runs will be moved inside to “dog suites,” which replace the wire cages with walls that assist with noise reduction.
- F. That petitioner testified that they will be taking down the older buildings on the subject property and upgrading with new building buildings, material, and electrical, which will update and modernize the property to reduce the fire risk and risk of other hazards, and will increase surrounding land values.
  - a. Furthermore, that Building 1 on the Site Plan will be torn down and rebuilt to be used for grooming;
  - b. That Building 2 on the Site Plan will be new indoor training facility;
  - c. That Building 3 on the Site Plan will be torn down, moved, and rebuilt, whereas half of the building will go to the rescue and half will go to the regular dog day care business.
- G. That petitioner testified that the hours of operation for staff are between 6:30 AM to 9:00 PM.
- H. That petitioner testified that the hours of operation of the dog day care hours and any operations open to the public are between 7:00 AM to 6:00 PM.
- I. That operations open to the public do not occur between the hours of 6:00 PM and 7:00 AM.
- J. That petitioner testified that dogs boarding at the facility do not go outside after 8:00 PM.
- K. That petitioner testified that the currently have approximately 75 dogs on the property at any given time, however the average is 55 dogs a day.
- L. That petitioner testified they only expect hitting 125 dogs a day during the holidays.
- M. That petitioner testified that the dog waste is cleaned/ emptied every night and thrown in trash receptables that gets picked up weekly by a private garbage service.
- N. That petitioner testified that they will add a stop sign at the end of their driveway facing Wilson Road, to assist as a traffic control device for cars turning onto Wilson Road.

### STANDARDS FOR CONDITIONAL USE:

1. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s comprehensive plan for development.

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2. That the Zoning Board of Appeals finds that petitioner **has demonstrated** the granting of the Conditional Use will not:
  - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the proposed buildings will comply with the DuPage County Zoning Ordinance and will not impair an adequate supply of light and air to the adjacent properties.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will comply with all building and fire codes, and that they will receive a building permit for all proposed construction.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that due to the distances and setbacks from nearby residences and other private properties, the subject property and proposed Planned Development will not impact or affect property values. Furthermore, that petitioner demonstrated that they will be modernizing the subject property by removing older buildings and replacing with new construction, allowing for most operations to be held indoors.
  - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that they will install a stop sign at the end of the driveway on the subject property to assist as a traffic control device for cars turning onto Wilson Road.
  - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the subject property will receive a building permit for all construction and excavation, and that it will be constructed to comply with all DuPage County Stormwater Ordinances and floodplain regulations.
  - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the subject property will receive a building permit for all construction and excavation, and that it will be constructed to comply with all DuPage County Stormwater Ordinances and floodplain regulations.
  - g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that through the incorporation of conditions and the operation of the existing Conditional Use, the subject property will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

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PETITIONER'S DEVELOPMENT FACT SHEET

<b>GENERAL ZONING CASE INFORMATION</b>	
<b>CASE #/PETITIONER</b>	<b>ZONING-22-000016 Yanan-Our Family Pet Sitting, LLC.</b>
<b>ZONING REQUEST</b>	To amend an existing Conditional Use for a Planned Development to continue as a single-family home with dog kennel, training, and dog day care facility (including grooming services and pet supply shop) and to include the following: 1. Conditional Use to increase to total permitted dogs allowed on the property at any one time from 50 to 100 dogs; 2. Conditional Use for a foster care and adoption facility for local rescues; and 3. Conditional Use to host vaccination clinics.
<b>OWNER</b>	KELLY AND JOE YANAN, 29W516 WILSON ROAD, WEST CHICAGO, IL 60185
<b>ADDRESS/LOCATION</b>	29W516 WILSON ROAD, WEST CHICAGO, IL 60185
<b>PIN</b>	04-15-305-006
<b>TWSP./CTY. BD. DIST.</b>	Winfield District 6
<b>ZONING/LUP</b>	R-3 SF RES 0-5 DU AC
<b>AREA</b>	4.88 acres (212,573 sq. ft.)
<b>UTILITIES</b>	Well and Septic
<b>PUBLICATION DATE</b>	Daily Herald: March 30, 2022
<b>PUBLIC HEARING</b>	Thursday, April 14, 2022
<b><u>ADDITIONAL INFORMATION:</u></b>	
Building:	No Objections with the concept of the petition. Additional information may be required at permit application.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objections.
Stormwater:	No Objections.
Public Works:	Our office has no jurisdiction in this matter.
<b>EXTERNAL:</b>	
City of West Chicago:	<i>No Comments Received.</i>

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Village of Winfield:	<i>No Comments Received.</i>
City of Warrenville:	No Objections.
Winfield Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
West Chicago Fire Dist.:	No Objections with the concept of the petition. Additional information may be required at permit application. "Must comply with local code requirements regarding fire sprinkler, fire alarm, and access to buildings."
Sch. Dist. 94:	No Objections.
Forest Preserve:	"The Forest Preserve District of DuPage County has reviewed the information in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you."

**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-3 SF RES	House / Dog Kennel	0-5 DU AC
North	R-3 SF RES	House	0-5 DU AC
South	Wilson Street and beyond City of West Chicago	House / Townhouses	City of West Chicago
East	R-3 SF RES	House	0-5 DU AC
West	R-3 SF RES	House	0-5 DU AC

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on May 5, 2022, recommends to approve the following zoning relief:

1. Conditional Use to increase to total permitted dogs allowed on the property at any one time from 50 to 100 dogs;
2. Conditional Use for a foster care and adoption facility for local rescues; and
3. Conditional Use to host vaccination clinics.

**Subject to the following conditions:**

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1. That the property be developed in accordance with the petitioner's updated site plan made part of Zoning Petition **#ZONING-22-000016 Yanan-Our Family Pet Sitting, LLC.** dated May 5, 2022.
2. That the Conditional Use shall expire after five (5) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one the following circumstances, whichever shall come first:
  - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
  - b. The structure is voluntarily removed.
  - c. The property is conveyed to new ownership.
3. That the proposed construction indicated on the updated site plan, made part of Zoning Petition **#ZONING-22-000016 Yanan-Our Family Pet Sitting, LLC.** dated May 5, 2022, must be completed and certificates of occupancy obtained before 100 dogs are permitted on the subject property.
4. That the Conditional Use shall inure only to the owner, KELLY AND JOE YANAN and/or OUR FAMILY PET SITTING, LLC., and shall terminate in the event that the owner, or any entity owned or controlled by KELLY AND JOE YANAN and/or OUR FAMILY PET SITTING, LLC., discontinues operation of the subject Conditional Use on the subject property.
5. That the number of dogs permitted on the subject property at any one time shall not exceed one hundred (100), including dogs under four (4) months of age.
6. That the number of dogs allowed in any one (1) training class shall not exceed ten (10) per session.
7. That training sessions permitted shall be limited to no more than five (5) days a week and shall be limited to no more than two (2) per day.
8. That the hours of operation shall be as follows:
  - a. That the hours of operation for staff shall be from 6:30 AM to 9:00 PM.
  - b. That the dog day care hours and any operations open to the public shall be from 7:00 AM to 6:00 PM.
9. That the dog kennel shall not allow dogs outside between the hours of 8:00 PM and 6:30 AM.
10. That no general public shall access the subject property between the hours of 6:00 PM and 7:00 AM.

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11. That only operations by on-site owners or staff may be present between the hours of 6:00 PM and 7:00 AM.
12. That the Conditional Use Planned Development shall be authorized for one (1) year from the date of approval by the DuPage County Board unless a building permit and the erection or alteration of a building is started or the use is commenced within such time period pursuant to per *37-1413.11: TIME LIMIT FOR CONDITIONAL USES*.
13. That in conjunction with the submittal of a building permit, the developer provides a landscape plan showing full landscape screens around the perimeter of the development. The full landscape screen may include preservation of existing vegetation.
14. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to development on the property.
15. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

**ZBA VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent**

WHEREAS, the County Board Development Committee on May 17, 2022, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

1. Conditional Use to increase to total permitted dogs allowed on the property at any one time from 50 to 100 dogs;
2. Conditional Use for a foster care and adoption facility for local rescues; and
3. Conditional Use to host vaccination clinics.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner's updated site plan made part of Zoning Petition #**ZONING-22-000016 Yanan-Our Family Pet Sitting, LLC**, dated May 5, 2022.
2. That the Conditional Use shall expire after five (5) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one the following circumstances, whichever shall come first:
  - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.

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- b. The structure is voluntarily removed.
- c. The property is conveyed to new ownership.
3. That the proposed construction indicated on the updated site plan, made part of Zoning Petition #**ZONING-22-000016 Yanan-Our Family Pet Sitting, LLC.** dated May 5, 2022, must be completed and certificates of occupancy obtained before 100 dogs are permitted on the subject property.
4. That the Conditional Use shall inure only to the owner, KELLY AND JOE YANAN and/or OUR FAMILY PET SITTING, LLC., and shall terminate in the event that the owner, or any entity owned or controlled by KELLY AND JOE YANAN and/or OUR FAMILY PET SITTING, LLC., discontinues operation of the subject Conditional Use on the subject property.
5. That the number of dogs permitted on the subject property at any one time shall not exceed one hundred (100), including dogs under four (4) months of age.
6. That the number of dogs allowed in any one (1) training class shall not exceed ten (10) per session.
7. That training sessions permitted shall be limited to no more than five (5) days a week and shall be limited to no more than two (2) per day.
8. That the hours of operation shall be as follows:
  - a. That the hours of operation for staff shall be from 6:30 AM to 9:00 PM.
  - b. That the dog day care hours and any operations open to the public shall be from 7:00 AM to 6:00 PM.
9. That the dog kennel shall not allow dogs outside between the hours of 8:00 PM and 6:30 AM.
10. That no general public shall access the subject property between the hours of 6:00 PM and 7:00 AM.
11. That only operations by on-site owners or staff may be present between the hours of 6:00 PM and 7:00 AM.
12. That the Conditional Use Planned Development shall be authorized for one (1) year from the date of approval by the DuPage County Board unless a building permit and the erection or alteration of a building is started or the use is commenced within such time period pursuant to per *37-1413.11: TIME LIMIT FOR CONDITIONAL USES.*
13. That in conjunction with the submittal of a building permit, the developer provides a landscape plan showing full landscape screens around the perimeter of the development. The full landscape screen may include preservation of existing vegetation.

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14. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to development on the property.
15. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

**Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent**

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

1. Conditional Use to increase to total permitted dogs allowed on the property at any one time from 50 to 100 dogs;
2. Conditional Use for a foster care and adoption facility for local rescues; and
3. Conditional Use to host vaccination clinics, on the property hereinafter described:

OF THAT PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS, DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15, AND RUNNING THENCE NORTH 88 DEGREES 51 MINUTES EAST ALONG THE SOUTH LINE OF SAID SECTION 15, 1065.5 FEET FOR A PLACE OF BEGINNING: THENCE NORTH 1 DEGREE 9 MINUTES WEST, AT RIGHT ANGLES WITH THE SOUTH LINE OF SAID SECTION 15, 799.0 FEET; THENCE NORTH 88 DEGREES 51 MINUTES EAST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 15, 300.0 FEET; THENCE SOUTH 1 DEGREE 9 MINUTES EAST, AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 799.0 FEET TO THE SOUTH LINE OF SAID SECTION 15; THENCE SOUTH 88 DEGREES 51 MINUTES WEST ALONG SAID LINE, 300.0 FEET TO THE PLACE OF BEGINNING; and

**The Zoning Relief is subject to the following conditions:**

1. That the property be developed in accordance with the petitioner's updated site plan made part of Zoning Petition #ZONING-22-000016 **Yanan-Our Family Pet Sitting, LLC.** dated May 5, 2022.
2. That the Conditional Use shall expire after five (5) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one the following circumstances, whichever shall come first:
  - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
  - b. The structure is voluntarily removed.
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  - b. That the dog day care hours and any operations open to the public shall be from 7:00 AM to 6:00 PM.
9. That the dog kennel shall not allow dogs outside between the hours of 8:00 PM and 6:30 AM.
10. That no general public shall access the subject property between the hours of 6:00 PM and 7:00 AM.
11. That only operations by on-site owners or staff may be present between the hours of 6:00 PM and 7:00 AM.
12. That the Conditional Use Planned Development shall be authorized for one (1) year from the date of approval by the DuPage County Board unless a building permit and the erection or alteration of a building is started or the use is commenced within such time period pursuant to per *37-1413.11: TIME LIMIT FOR CONDITIONAL USES.*
13. That in conjunction with the submittal of a building permit, the developer provides a landscape plan showing full landscape screens around the perimeter of the development. The full landscape screen may include preservation of existing vegetation.
14. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to development on the property.

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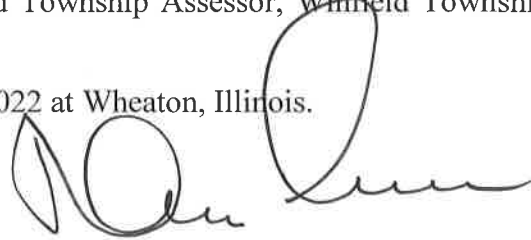
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15. That the property be developed in accordance with all other codes and Ordinances of DuPage County

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; KELLY AND JOE YANAN, 29W516 WILSON ROAD, WEST CHICAGO, IL 60185; and Township Assessor, Winfield Township, 130 Arbor Avenue, West Chicago, IL 60185.

Enacted and approved this 24th day of May, 2022 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN  
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK

AYES 18  
NAYS 0  
ABSENT 0