

AN ORDINANCE GRANTING AN EXTENSION TO THE EXISTING SPECIAL USE PERMITTING THE OPERATION AND MAINTENANCE OF AN ANIMAL RESCUE SHELTER ON THE PROPERTY KNOWN AS 142 OLD DUNDEE ROAD

WHEREAS, Section 5-10-7 of the Village of Barrington Hills Zoning Ordinance (the “Zoning Code”) authorizes the Village Zoning Board of Appeals to recommend, and the Board of Trustees to approve, special uses within the zoning districts of the Village; and

WHEREAS, Section 5-5-3 of the Zoning Code classifies Animal Rescue Shelters as a special use; and

WHEREAS, Section 5-10-7(E) of the Zoning Code establishes the six (6) standards that must be met before the Zoning Board of Appeals may recommend approval of a special use; and

WHEREAS, pursuant to Section 5-10-7(F) of the Zoning Code, prior to the granting of any special use, the Zoning Board of Appeals may recommend and the Board of Trustees shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in said Section 5-10-7(E); and

WHEREAS, Section 5-3-4(E) of the Zoning Code sets forth specific additional regulations related to the operation and maintenance of Animal Rescue Shelters; and

WHEREAS, on February 22, 2010, the Board of Trustees adopted Ordinance No. 10-01, granting a special use permit to Fur Keeps Animal Shelter on the terms and conditions contained therein (the “Special Use”), including the condition that the Special Use remain in effect for two (2) years; and

WHEREAS, the Zoning Board of Appeals held a public hearing on February 13, 2012, on the Petition for renewal of the Special Use submitted by Dr. Debra Rykoff, President of Fur Keeps Animal Rescue, Inc. d/b/a Fur Keeps Animal Shelter (“Dr. Rykoff” or the “Petitioner”), owner of the property located at 142 Old Dundee Road, Barrington Hills, Illinois (the “Subject Property”), as legally described on Exhibit A attached hereto, seeking the extension of the Special Use for the operation of an Animal Rescue Shelter on the Subject Property; however Petitioner failed to serve proper notice on the adjoining owners as required by the Zoning Code; and

WHEREAS, the Zoning Board of Appeals held a second public hearing on April 16, 2012 after confirming that all proper notices had been given; and

WHEREAS, the Zoning Board of Appeals having considered the evidence presented at both the February 13 and April 16 meetings and hearing no opposition from any of the neighbors, made all necessary findings of fact as to compliance with the standards set forth in Section 5-10-7(E) and the regulations established under Section 5-3-4(E) of the Zoning Code and by unanimous vote for seven (7) ayes and zero (0) nays, recommended that the Special Use be extended for a period of five (5) years to February 28, 2017, on the same terms and conditions as contained in the Special Use; and

WHEREAS, notice of the public hearing was published in a timely manner in the Barrington Daily Herald as well as posted in the Village Hall, and individual notice was provided to all property owners within two hundred fifty (250') feet of the Subject Property, as recorded in the office of the Barrington Township Tax Assessor and proper signage was posted on the Subject Property.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a Home Rule municipality, the following:

Section 1: Recitals. The foregoing recitals are hereby incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2: Grant of Renewal Special Use. The application of Petitioner, for approval of the renewal of the Special Use for the operation and maintenance of Fur Keeps Animal Shelter, an animal rescue shelter on the Subject Property is hereby granted for an additional five (5) years to February 28, 2017, on the same terms and conditions contained in the Special Use.

Section 3: Compliance with Law. Should any part of provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared to be invalid.

Section 4: Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form.

PASSED THIS _____ day of _____, 2012

AYES: _____ NAYS: _____ ABSENT: _____

APPROVED THIS _____ day of _____, 2012

ATTEST:

Village Clerk

Village President

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES EASTERLY OF THE RIGHT OF WAY OF THE ELGIN, JOLIET AND EASTER RAILWAY COMPANY; WESTERLY OF THE CENTER LINE OF THE HIGHWAY KNOWN AS DUNDEE ROAD, AND SOUTHWESTERLY OF A LINE DESCRIBED AS FOLLOWS: BEGINNING ON SAID CENTER LINE OF DUNDEE ROAD AT A POINT THEREON WHICH IS 303.09 FEET SOUTHWESTERLY FROM THE POINT OF INTERSECTION OF SAID CENTER LINE WITH THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 15, AND RUNNING THENCE NORTHWESTERLY TO A POINT ON THE EASTERLY LINE OF SAID RAILWAY RIGHT OF WAY WHICH IS 702.67 FEET SOUTHEASTERLY FROM THE POINT OF INTERSECTION OF SAID EASTERLY RIGHT OF WAY LINE WITH THE NORTH LINE OF THE AFORESAID NORTHWEST QUARTER OR SECTION 15, BEING SITUATED IN COOK COUNTY, ILLINOIS. CONTAINING 9.431 ACRES OF LAND, MORE OR LESS.

April _____, 2012

To: President and Board of Trustee
Village of Barrington Hills

Re: Dr. Debra Rykoff, President of Fur Keeps Animal Rescue, Inc.
Special Use Permit – 142 Old Dundee Road, Animal Rescue Shelter

This is to advise you that at a public hearing of the Zoning Board of Appeals (“ZBA”) held at 7:30 p.m. on Monday, February 13, 2012, in the MacArthur Room of the Village Hall, 112 Algonquin Road, Barrington Hills, Illinois where a quorum was present, the ZBA initially considered a Petition for Renewal of Special Use submitted January 18, 2012 (the “Petition”) by Dr. Debra Rykoff, President of Fur Keeps Animal Rescue, Inc. d/b/a Fur Keeps Animal Shelter (“Dr. Rykoff” or the “Petitioner”), owner of the property located at 142 Old Dundee Road, Barrington Hills, Illinois (the “Subject Property”) seeking the renewal of an existing special use permit in order to continue the operation an animal rescue shelter at the Subject Property.

The ZBA also heard testimony from Robert Kosin, Village Administrator. No residents beside the Petitioner were in attendance and the Village received no letters of opposition or in support of the Petition. Appearing at the hearing was Douglas E. Wambach, Village Attorney and Robert Kosin, Village Administrator to address the ZBA in a staff capacity. No other comments were received or heard on this matter at this time.

Notice of the hearing was published in a timely manner in the Barrington Daily Herald as well as posted in the Village Hall and proper signage was posted on the Subject Property; however subsequent to the hearing it was determined that individual notice was not properly provided to all property owners within two hundred fifty feet of the Subject Property as recorded in the offices of the Barrington Township tax assessor The ZBA heard testimony by Petitioner.

On April 16, 2012, the Petitioner again appeared before the ZBA and resubmitted the Petition. All notices were properly given for the April 16, 2012 hearing. On the motion of Member Anderson, seconded by Member Valin and approved by the unanimous vote of the ZBA, the ZBA took notice of the prior testimony from the February 13, 2012 hearing. No further comments were received or heard on this matter at this hearing.

FACTS

Dr. Debra Rykoff is the owner and operator of Fur Keeps Animal Shelter at 142 Old Dundee Road, an approximately 10-acre parcel in the R1 district located in the Village of Barrington Hills. Dr. Rykoff, a licensed veterinarian, lives at 142 Old Dundee and operates a mobile veterinary clinic from her home in accordance with the Village's Home Occupation Ordinance. She also has a related veterinary practice in Kildeer, Illinois. Further, Dr. Rykoff is licensed by the State of Illinois to operate an animal rescue shelter and Fur Keeps is a State-licensed rescue shelter. Pursuant to Section 5-10-7 of the

Village of Barrington Hills Zoning Ordinance (“Zoning Code”), on September 22, 2009, Dr. Rykoff, through her attorneys at Arnstein and Lehr, submitted a Petition for Special Use to permit an “Animal Rescue Shelter,” on the Subject Property, which is a permitted special use under Section 5-5-3 of the Zoning Code. That Petition was granted by the Board of Trustees on February 22, 2010, with the condition that it expire in two (2) years.

The current Petition was filed requesting a renewal of the February 22, 2010 Special Use Permit (the “Special Use”).

FINDINGS

The Zoning Board of Appeals, after having examined the facts as presented, and taking into consideration the testimony of all witnesses, found:

1. That the establishment, maintenance or operation of the Animal Rescue Shelter will not be detrimental to or endanger the public health, safety or general welfare.
2. That the Animal Rescue Shelter will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the Animal Rescue Shelter will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary facilities are being provided for the Animal Rescue Shelter.
5. That the Animal Rescue Shelter shall in all other respects conform to the applicable regulations of the zoning district in which it is located, except as such regulations may in this instance be modified by the Board of Trustees pursuant to these recommendations of the Zoning Board of Appeals.

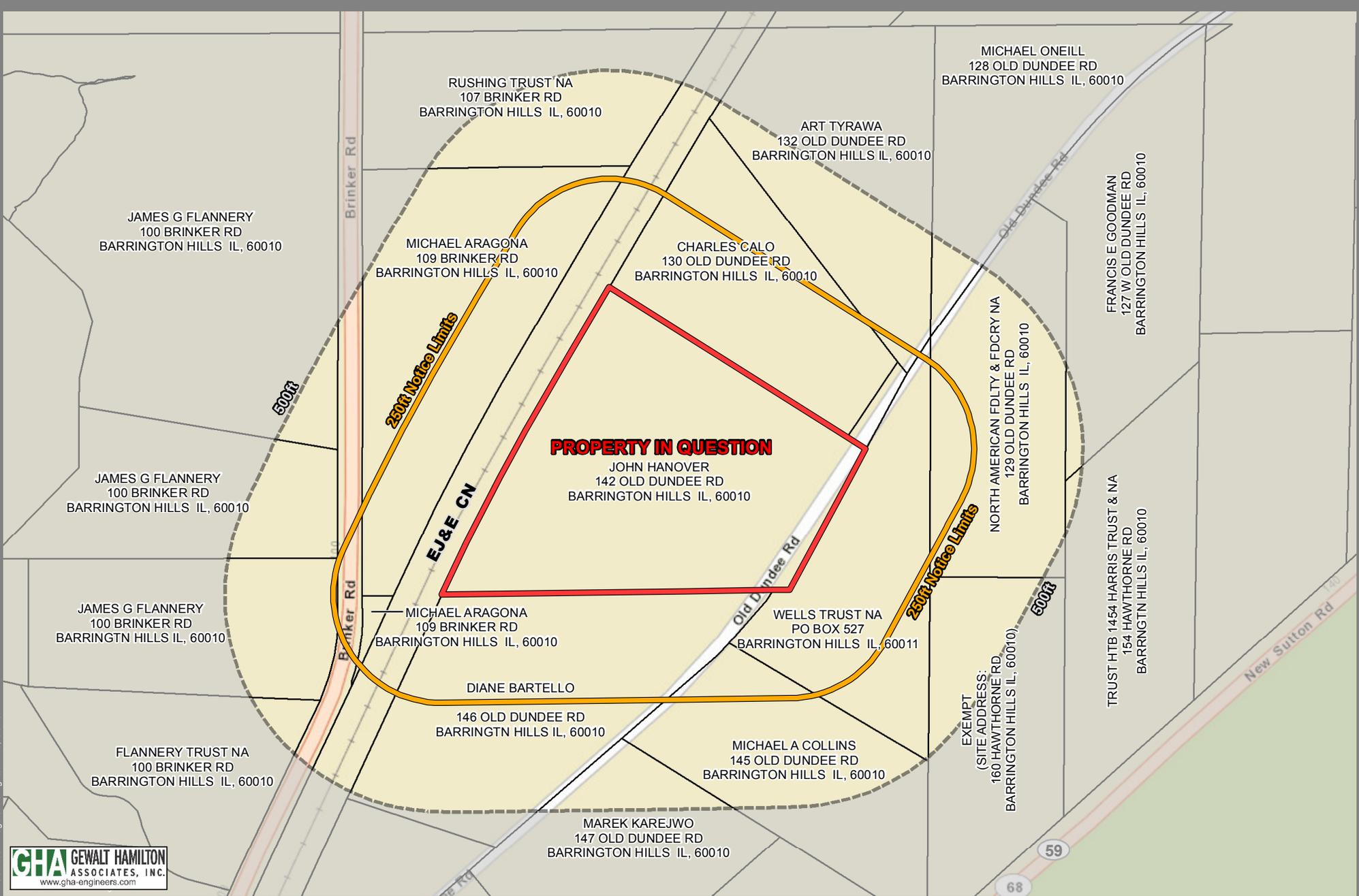
RECOMMENDATIONS

After careful consideration of the aforementioned findings, the Zoning Board of Appeals unanimously approved a recommendation to the Village Board that it renew the term of the existing special use permit for the operation of the an Animal Rescue Shelter on the Subject Property for an additional five (5) years to February 28, 2017, on the same terms and conditions set forth in the existing Special Use.

The Petitioner is advised by copy of this letter that she shall comply with Title 5, Chapter 10, Section 7 (H) which limits the effectiveness of the special use to six months unless certain action is taken to obtain a building permit or otherwise utilize the special use.

Respectfully submitted,

Zoning Board of Appeals, Village of Barrington Hills
Judith Freeman, Chairman



Sources: Village of Barrington Hills, CCAO



1 inch = 300
Feet



250' Notice Map
PIQ - 142 Old Dundee Road
Barrington Hills IL, 60010