

## **Planning/Development Committee Minutes December 7, 2011**

The meeting was called to order at 5:30 p.m. by Chairperson Ann DeSmith in Room 103J of the Henry County Courthouse with members Dennis Sullivan, Rick Livesay and Jon Zahm present. Ex-Officio member Tim Wells, Zoning/Building Department Manager Kyle Stromquist and Deputy County Administrator Naomi Stahl were also present.

### **Agenda:**

1. Public Comment: Joanne Boggs stated she spoke on behalf of the neighbors opposing the special use permit. She stated the neighbors would support a 6 month special use permit to allow Gabriele Duke to reduce her number of dogs to 3.

No other public comment was taken at this time.

2. Approval of the November 7, 2011 minutes: A motion was made by Dennis Sullivan to approve the minutes as printed, Rick Livesay seconded. Motion carried.
3. County Board Zoning Agenda: Ann DeSmith discussed the 11-13 SU G. Duke application for a proposed kennel with the committee.

Ann DeSmith read a statement from the Henry County State's Attorney as follows: The Henry County State's Attorney's Office received a call from Henry County Animal Control if there were any ordinances under Chapter 91 of the Henry County, Illinois – Code of Ordinances that placed a limit on the number of animals that a person could own. I, Brian Kerr, First Assistant State's Attorney, reviewed the ordinances under Chapter 91 of the Henry County, Illinois – Code of Ordinances and determined that there was no limits placed on the number of animals a person could own. I was specifically asked about Chapter 91 of the Henry County, Illinois – Code of Ordinances and did not review any other sections under the Henry County, Illinois – Code of Ordinances.

Ann DeSmith read a statement from the Henry County Zoning and Building Department as follows: The Henry County Zoning Department received a call from Gabriele Duke's realtor James Jones.

Marti Sproston, Zoning/Building Secretary, read to Mr. Jones the definition of a kennel directly from the zoning ordinance for the unincorporated areas of Henry County. The definition of kennel under Article 5 Section 5.2 states "Any premise or portion thereof on which more than three dogs, cats or other household domestic animals over four (4) months old are kept or on which more than two such animals are maintained, boarded, bred or cared for in return for remuneration or are kept for the purpose of sale". The department can demonstrate a pattern of consistency by the many letters that have been sent out to other homeowners regarding the same scenario and the 30 years of experience on the job answering that same question consistently from the zoning ordinance.

Dennis Sullivan stated that a one year time frame for the special use – kennel would be more appropriate considering the close proximity of the neighbors.

Jon Zahm stated there are compelling arguments from both sides. Jon stated the one year time frame is too strict. He would like to see a longer time frame.

Ann DeSmith stated allowing a longer special use permit sets precedence to other homeowners that would want to do the same. She also stated the special use would be less of a problem if it were in a larger tract of land that did not have so many neighbors close by like this residential subdivision.

Dennis Sullivan made a motion to allow a special use permit for one year with the stipulations the applicant reduce the number of dogs to 7 after 6 months and from 7 to 3 upon the expiration date, Rick Livesay seconded. Motion carried with a 3 yes and 1 no vote.

4. Invenergy Review: Kyle Stromquist updated the committee on Invenergy progress and updates.
5. Monthly Income Summary and Expenses were reviewed for the Zoning/Building Department and Solid Waste Management.

A motion was made by Rick Livesay to submit the FY2011 Annual Reports to the County Board to layover the 30 days for review, Jon Zahm seconded. Motion carried.

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6. Miscellaneous: none.

Meeting adjourned at 6:45 p.m. The next meeting will be at 5:30 p.m. on Wednesday, January 4, 2011 in Room 103J of the Henry County Courthouse.

Respectfully,

Kyle Stromquist  
Zoning/Building Manager

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