



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: December 17, 2007
Subject: A **MOTION** to reconsider the decision of the Zoning Hearing Officer to approve the variance to allow six dogs for the subject property at 719 S. Vine.

List of committees that have reviewed: The Community Development Committee reviewed and unanimously recommended 4-0 to reconsider the Zoning Hearing Officers decision to approve the variance to allow six dogs for the subject property at 719 S. Vine.

Background: The Zoning Hearing Officer ruled to approve ZHO2007-31, a petition requesting a variance to exceed the permitted number of dogs and/or cats which is regulated by the definition of a "Kennel" and its use in the "SR-3" Single-Family Residence Dwelling District. Article I: General Provisions, Administration, & Definitions of the City of O'Fallon Zoning Ordinance defines a Kennel as, "Any structure or lot on which (4) four or more dogs and/or cats over four months of age are kept." The applicants currently own 6 dogs over four months of age. The ZHO granted the variance with the following conditions:

- a) Petitioner shall not own, harbor or otherwise allow any additional animals to occupy or stay at 719 S. Vine and Petitioner shall through attrition of her current animals come into compliance with the O'Fallon Zoning Code limiting the number of animals to three.
- b) Petitioner shall construct a 6-foot high privacy fence around the rear of her home in accordance with the plan submitted and in accordance with the building regulations of the City of O'Fallon. This fence shall be constructed within 60 days of the date of this decision.
- c) Petitioner shall remove all animal waste promptly and keep her property clean and free from any noxious odors.
- d) Petitioner will allow no more than three (3) dogs outside at any given time.

The CD Committee voted 4-0 to recommend the full Council reconsider the ZHO's decision. The Council has 21 days right-of-review on the decision, which would end on December 28, 2007.

The Council may without further hearing (1) grant the variance by adoption of an ordinance at a subsequent meeting, (2) refer it back to the hearing officer if deemed illegal or otherwise not properly granted or needing additional review; this may be done by a motion approved and reflected in the minutes, or (3) deny the variance request with identified concerns reflected in the minutes.

Legal Considerations, if any: None

Budget Impact: None

Staff Recommendation: See options noted in "Background" above.