

**Resolution of the County Board
of
Kankakee County, Illinois**

RE: ZBA Case #06-16; Variance to Section 8.08.A.3 (Rear Yard Setback)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by William & LaDonna Russell, property owners and applicants, in the Office of the County Clerk of Kankakee County for a Variance to Section 8.08.A.3 (Rear Yard Setback), on a parcel legally described herein in Exhibit A, a copy of which is attached herein and made a part hereof; and,

WHEREAS, the Zoning Board of Appeals had caused a public hearing, after due notice, to be held on said application on November 27, 2006, and from the testimony and evidence presented made findings as described in Exhibit B, a copy of which is attached herein and made a part hereof, and made recommendation that said request be approved; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee, at its regularly scheduled and duly noticed meeting of December 13, 2006, having reviewed, discussed and considered the matter, concurred with the approval of the request and adopted said findings and recommendation of the Zoning Board of Appeals, Exhibit B, and;

WHEREAS, all matters required by law of the State of Illinois and the Zoning Ordinance of Kankakee County to be done, have been done; and,

WHEREAS, this County Board at this regularly scheduled meeting of January 9, 2007 has now reviewed, discussed, and considered the said findings of the Zoning Board of Appeals and said committee minutes of the PZA Committee, and now finds that the conclusions expressed therein are both reasonable and rationally supported by the evidence that had been presented and the variance will not be detrimental to the public health, safety, and economic and general welfare.

NOW, THEREFORE, be it resolved by the Kankakee County Board, State of Illinois as follows:

1. The findings of the Zoning Board of Appeals are hereby approved, confirmed, ratified, and adopted and the conclusions of the Planning, Zoning and Agriculture Committee based upon those findings are rational and in the public interest.
2. The findings, conclusions and recommendation expressed in the minutes of the Planning, Zoning, and Agriculture Committee meeting of December 13, 2006, are also supported by the record and are in the public interest and are also approved, confirmed, ratified and adopted.

3. The Variance to Section 8.08.A.3 (Rear Yard Setback) be approved on a parcel legally described in Exhibit A, a copy of which is attached herein and made a part hereof.

PASSED and adopted this 9th day of January 2007.



Karl Kruse, County Board Chairman

ATTEST:



Bruce Clark, County Clerk

EXHIBIT A (ZBA CASE#06-16)

LEGAL DESCRIPTION:

LOT 18 AND THE SOUTH 100 FEET OF LOT 19, OAKWOODS SUBDIVISION,
BEING A PART OF LOT 3 AND ALL OF LOT 4 OF JEDDIAH WOOLEY'S
SUBDIVISION OF THE NORTHWEST FRACTIONAL PART OF SECTION 15,
TOWNSHIP 30 NORTH, RANGE 13 WEST OF THE SECOND PRINCIPAL
MERIDIAN, IN KANKAKEE COUNTY, ILLINOIS.

EXHIBIT B (ZBA CASE#06-16)

Kankakee County Zoning Board of Appeals

Mr. Andrew Pristach, Chairman

189 East Court Street
Kankakee, IL 60901
(815) 937-2940

FINDINGS OF FACT AND RECOMMENDATION
OF THE KANKAKEE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application of William & LaDonna Russell in **ZBA Case No. 06-16**. The applicants are requesting a variance of the rear yard setback requirements on parcel number 12-17-15-104-022. The variance, if granted, would allow the Russells to convert a garage to its former use as a single family residence. The structure was originally built 11.4 feet from the rear property line, however, the Zoning Ordinance requires forty (40) feet. The parcel is 85.1 feet wide and 215.8 feet deep and is located in Oakwood Subdivision in Aroma Township. See Exhibit A – Location Map (attached herewith).

After due notice required by law, the Zoning Board of Appeals held a public hearing on this case on November 28, 2006 in the County Board Room, 4th Floor, Kankakee County Administration Building, Kankakee, Illinois.

Site Information: See Staff Report (attached herewith).

Public Comments: There were no public comments, however, Mrs. Sheryl Garetson spoke in favor of the variance as a witness for the petitioners. See Transcript of Hearing (attached herewith).

Objectors: There were no objectors present. See Transcript of Hearing (attached herewith).

Analysis of Four Standards: After considering all the evidence and testimony presented at the public hearing, the Board makes the following analysis of the four (4) standards listed in Section 17.03.G5 (Standards for Variances) of the *Kankakee County Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. **That a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the letter of the regulations were to be carried out.** The Board finds that the condition of the property and the applicant's inability to restore the property as a residence poses a hardship to the property owner.

2. **That the conditions for this request are unique to the property in question and would not apply, generally, to other property with the same zoning classification.** The Board finds that the proposed variance is necessary to improve the structure and add aesthetic value to the neighborhood.

3. **That the granting of the variance would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.** The Board finds that granting this proposed variance would not be detrimental to the neighborhood or to the public welfare.

4. **That the variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public street, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.** The Board finds that the proposed variance will not substantially increase the congestion of the road nor will it impair the supply of light and air to adjacent properties.

Recommendation: We find that the proposed variance request meets all the standards for recommending granting as found in Section 17.03.E3 of the *Kankakee County Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the variance be granted as presented.

Roll Call Vote: The roll call vote was seven (7) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 28th day of November, 2006 by the Kankakee County Zoning Board of Appeals.

Andrew Pristach, Chairman – Aye
Ralph Tribbey – Aye
Glenn Henning – Aye
Robert Morrical – Aye
John Fetherling – Aye
William Hemm – Aye
Edwin Meents - Aye

Exhibit A – Location Map, Aroma Township

