

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

RE: ZBA Case #07-10; Special Use Permit Under Section 121-146 (c)(13)(c)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by Densel R. & Beverly J. Rasmussen, property owners and applicants, in the Office of the County Clerk of Kankakee County for a Special Use Permit under Section 121-146(c)(13)(c) (single family detached dwelling on lots greater than 2 acres) in the R1 District, 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 June 11, 2007, 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 (PZA), at its regularly scheduled and duly noticed meeting of June 27, 2007, 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 July 10, 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 rezoning 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 of June 11, 2007, 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 June 27, 2007, are also supported by the record and are in the public interest and are also approved, confirmed, ratified and adopted.

3. The Special Use Permit under Section 121-146(c)(13)(c) of the County Code for a single family detached dwelling on a lot greater than 2 acres 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 10th day of July 2007.



Karl Kruse, County Board Chairman

ATTEST:



Bruce Clark, County Clerk

EXHIBIT A (ZBA CASE#07-10)

Legal Description:

A PART OF THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANKAKEE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT A P.K. NAIL AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 52 MINUTES 20 SECONDS WEST A DISTANCE OF 660.00 FEET TO AN IRON ROD AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 30 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID NORTHEAST QUARTER A DISTANCE OF 330.00 FEET TO AN IRON ROD; THENCE SOUTH 89 DEGREES 52 MINUTES 20 SECONDS EAST A DISTANCE OF 660.00 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 30 MINUTES 00 SECONDS EAST A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING, CONTAINING 5.00 ACRES MORE OR LESS SUBJECT TO RIGHTS-OF-WAY FOR ROADS, DRAINAGE AND EASEMENTS APPARENT OR OF RECORD.

EXHIBIT B (ZBA Case #07-10)

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 Densel R. & Beverly J. Rasmussen in **ZBA Case No. 07-10**. The applicant is requesting a Special Use Permit to allow the construction of a single family home on a parcel larger than two (2) acres in the R1 – Single Family Residential District. The applicant wishes to construct a single family home on a five (5) acre parcel being divided from a 7.5 acre parcel. The parcel is zoned R1 – Single Family Residential and contains an existing single family home. The existing home will remain on the 2.5 acre parcel. The parcels identification number is 17-09-23-200-006 and it is located at 2586 N 4000 E Road in Bourbonnais 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 June 11, 2007 in the County Board Room, 4th Floor, Kankakee County Administration Building, Kankakee, Illinois, and hereby report their findings of fact and their recommendation as follows:

Site Information: See Staff Report (attached herewith).

Public Comments: There were no objectors present and no public comment was given. (See transcripts)

Analysis of Six Standards: After considering all the evidence and testimony presented at the public hearing, the Board makes the following analysis of the six (6) standards listed in Section 17.03.F4 (Standards for Special Uses) of the *Kankakee County Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

- 1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.** The Board finds that the proposed special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare as the single family home should have little impact on the surrounding properties.
- 2. That the special use 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. The Board finds that the proposed special use will not be injurious to the use and enjoyment of other properties in the area as this parcel is at the end of a row of homes along 4000 E Road. Moreover, the subject site is mostly surrounded by agriculturally zoned properties.

3. That the establishment of the special use will not substantially impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The Board finds that the area surrounding the subject site lies within a Community Growth Area as designated in the Comprehensive Plan and that the site lies within the extra-territorial jurisdiction of the Village of Bradley. The areas to the north and west of the subject site are rapidly being converted from agricultural to residential uses. It is anticipated that the area around the subject site will develop into residential uses in the near future.

4. That adequate utilities, access roads, drainage, or necessary facilities have been or will be provided. The Board finds that the facility will have adequate utilities, access to roads and drainage.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The Board finds that the proposed special use will not substantially increase congestion on the public roads and that adequate ingress and egress will be established.

6. That the special use will, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the board. The Board finds that the subject property will conform to all applicable regulations of the R1 District.

Recommendation: We find that the proposed special use requested meets all the standards for recommending granting as found in Section 17.03.F4 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 special use for a single family residence on parcels greater than two (2) acres in the R1-Single Family Residential District on the property described above be granted. No conditions were imposed upon this special use.

Roll Call Vote: The roll call vote was six (6) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 11th day of June, 2007 by the Kankakee County Zoning Board of Appeals.

- Andrew Pristach, Chairman – Aye**
- Ralph Tribbey – Absent**
- Terry Vaughn – Aye**
- Charles Draine – Aye**
- John Fetherling – Aye**
- Edwin Meents – Aye**
- William Hemm- Aye**

Exhibit A – Location Map

