Resolution of the County Board
of
Kankakee County, Illinois

RE: ZBA Case #07-18; Rezoning from A1-Agriculture District to RE-Rural Estate District

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by the Estate of Myrtle M. Burkard (Gary Dahn), property owner and applicant, in the Office of the County Clerk of Kankakee County for a Rezoning from A1-Agriculture District to RE-Rural Estate 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 November 19, 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 November 28, 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 December 11, 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, Exhibit B herein, 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 November 28, 2007, are also supported by the record and are in the public interest and are also approved, confirmed, ratified and adopted.
3. The Rezoning from A1-Agriculture District to RE-Rural Estate District 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 11th day of December 2007.

[Signature]
Karl Kruse, County Board Chairman

**ATTEST:**

[Signature]
Bruce Clark, County Clerk
EXHIBIT A  (ZBA CASE#07-18)

Legal Description:
COMMENCING AT A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30, 360.0 FEET NORTH OF THE SOUTHWEST Corner OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30, AS THE POINT OF BEGINNING OF SAID FIVE ACRE TRACT; THENCE CONTINUING NORTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 360.0 FEET TO A POINT; THENCE EAST ON A LINE MAKING A RIGHT ANGLE WITH THE LAST DESCRIBED LINE 605.0 FEET TO A POINT; THENCE SOUTH ON A LINE MAKING A RIGHT ANGLE WITH THE LAST DESCRIBED LINE 360.0 FEET TO A POINT; THENCE WEST 605.0 FEET TO THE PLACE OF BEGINNING CONTAINING FIVE ACRES, MORE OR LESS.
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 from Gary Dahn in ZBA Case No. 07-18. The applicant is requesting a map amendment (rezoning) to change the zoning classification of a 5.00 acre parcel (Parcel Identification No. 07-08-30-200-027) from A1-Agriculture to RE - Rural Estate. Said parcel is 360 feet wide and 605 feet deep and is situated in Section 30, Township 31 N, Range 11 E of the 3rd Principal Meridian. It is located in Limestone Township on the east side of 6250 W Road approximately 600 feet south of 2000 N Road. See Exhibit A - Location Map (attached herewith). The purpose of the rezoning is to bring the parcel into compliance with the Zoning Ordinance.

After due notice required by law, the Zoning Board of Appeals held a public hearing on this case on November 19, 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. (See transcripts)

Analysis of Ten Standards: After considering all the evidence and testimony presented at the public hearing, the Board makes the following analysis of the ten (10) standards listed in Section 17.03.E3 (Standards for Map Amendments) of the Kankakee County Zoning Ordinance that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed rezoning is consistent with the purpose and intent of the Zoning Ordinance. The Board finds that the proposed rezoning is consistent with the intent of the Zoning Ordinance as there will be no change in the current use of the property.

2. That the proposed rezoning is consistent with the goals, objectives, and policies of the County Comprehensive Plan. The Board finds that the proposed rezoning is consistent with the
goals, objectives and policies of the Comprehensive Plan as it takes no additional farmland out of agricultural production.

3. **Explain how and if all required utilities, drainage, access to public rights-of-way, recreational facilities, educational facilities, and public safety facilities have been or will be provided, and possess adequate capacity or manpower.** The Board finds that all requirements for utilities, drainage and access have been adequately met.

4. **That the proposed rezoning is compatible with the existing uses of property and the zoning classification of property within the general area.** The Board finds that the proposed use will be consistent with surrounding uses.

5. **That the permitted uses in the zoning classification being requested will not substantially increase the level of congestion on public rights-of-way.** The Board finds that the proposed facility will not substantially increase congestion on the public roads as the home already exists and the current use will not be changing.

6. **That the subject property is suitable for the permitted uses under the existing zoning classification.** The Board finds that the subject property is not suitable for the permitted uses under the existing zoning classification as twenty (20) acres would be needed.

7. **That the subject property is suitable for the permitted uses under the proposed zoning classification.** The Board finds that the subject property is suitable for the permitted uses under the proposed zoning classification.

8. **What is the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification?** The Board finds that the property lies within an area containing a mixture of agricultural and residential uses and that the trend of development in the area leans towards low density residential development.

9. **Is the proposed rezoning/amendment within one and a half miles of a municipality?** The Board finds that the proposed rezoning is within one and one half miles of the Village of Limestone.
10. **Does the LESA report reflect the suitability of the site for the proposed amendment requested and uses allowed therein?** The Board finds that the LESA report was not needed for this property as it does not take farmland out of agricultural production.

**Recommendation:** We find that the proposed rezoning requested does meet 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 does recommend that the zoning district classification of the property described above be changed from A1-Agriculture to RE – Rural Estate.

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

Respectfully submitted this 20th day of November, 2007 by the Kankakee County Zoning Board of Appeals.

**Andrew Pristach, Chairman – Aye**  
**Ralph Tribbey – Aye**  
**Terry Vaughn – Aye**  
**Charles Draine – Aye**  
**John Fetherling – Aye**  
**Edwin Meents – Aye**  
**William Hemm- Aye**
Exhibit A – Location Map, Limestone Township