Resolution of the County Board
of
Kankakee County, Illinois

RE: ZBA CASE #18-29; REZONING A1-AGRICULTURAL DISTRICT TO RE-RURAL ESTATES DISTRICT AND VARIANCE TO SECTION 121-149.D (LOT SIZE) SECTION 15 ESSEX TOWNSHIP

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed Timothy & Caitlyn Wilkerson, property owners and applicant, in the Office of the County Clerk of Kankakee County for a Rezoning from A1-Agricultural District to RE-Rural Estates District and a Variance to Section 121-149.d (Lot Size), on a parcel legally described herein Exhibit A, a copy of which is attached; and,

WHEREAS, the Zoning Board of Appeals held a duly noticed public hearing, on the application on August 6, 2018 and from the testimony and evidence presented findings were made as described in Exhibit B, a copy is attached and the ZBA recommends that the request of Timothy & Caitlyn Wilkerson, property owners and applicant, be approved; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of August 22, 2018 having reviewed, discussed and considered the matter, has approved the request and adopted the 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 have been completed; and,

WHEREAS the County Board at its regularly scheduled meeting of September 11, 2018 after review, discussion, and consideration, agrees with the findings of the Zoning Board of Appeals and committee minutes of the PZA Committee, and finds that the conclusions expressed are both reasonable and rationally supported by the evidence presented, and the rezoning and 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 August 22, 2018 are also supported by the record and are in the public interest and are also approved, confirmed, ratified and adopted.
3. Rezoning from A1-Agricultural District to RE-Rural Estates District and a Variance to Section 121-149.d (Lot Size), 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 September 2018:

Andrew H. Wheeler, County Board Chairman

ATTEST:

Dan Hendrickson, County Clerk
EXHIBIT A  (ZBA CASE#18-29)

LEGAL DESCRIPTION:
COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 31
NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANKAKEE
COUNTY, ILLINOIS, THENCE NORTH ALONG THE WEST LINE OF THE SOUTHWEST
QUARTER OF SAID SECTION 15, 150.0 FEET TO A POINT; THENCE EAST ON A LINE
PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID
SECTION 15, 165.00 FEET TO A POINT; THENCE SOUTH ON A LINE PARALLEL WITH
THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, 150.0 FEET
TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID
SECTION 15; THENCE WEST 165.0 FEET TO THE PLACE OF BEGINNING.
EXHIBIT B (ZBA Case #18-29)
Kankakee County Zoning Board of Appeals
Mr. John Fetherling, 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 Timothy and Caitlyn Wilkerson in ZBA Case No. 18-29. The applicants are requesting a rezoning from A1-Agriculture to RE-Rural Estate and a variance for lot size on a .56 acre parcel located at 15977 W 3000 N Road in Essex Township. The parcel contains one (1) single family home and a shed. The parcel and home were divided from the farm parcel on May 23, 1986. At that time the minimum acreage for a home in the agricultural district was two (2) acres. This division was not compliant with our zoning ordinance.

In order to rectify the situation, the Wilkersons are requesting a map amendment to change the zoning district of the parcel from A1-Agriculture to Re-Rural Estate. However, since the Re-Rural Estate District has a minimum lot size of one (1) acre the Wilkersons are also requesting a variance for lot size. There will be no physical change to the parcel or its structures.

After due notice required by law, the Zoning Board of Appeals held a public hearing on this case on August 6, 2018 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 public comments and no objectors were present. See Transcript of Hearing.

MAP AMENDMENT

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 this is a rural estate residence constructed more than 40 years ago.

2. That the proposed rezoning is consistent with the goals, objectives, and policies of the County Comprehensive Plan.

The Board finds that it is a rural estate residence in an area
surrounded by agricultural uses.

1. 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 utilities already service the residence.

2. 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 existing use is single family residence.

3. 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 continued use is single family residence.

4. That the subject property is suitable for the permitted uses under the existing zoning classification.

   The Board finds that it is a single family residence with surrounding A1 zoning.

5. That the subject property is suitable for the permitted uses under the proposed zoning classification.

   The Board finds that the property is suitable for the permitted uses under the Rural Estate District.

6. 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 there is a continued trend of agricultural use.

7. 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 mile of the Village of Essex.

8. Does the LESA report reflect the suitability of the site for the proposed amendment requested and uses allowed therein?
The Board finds that a LESA report is not necessary for this request because no change in land use is anticipated.

VARIANCE

The applicants are also requesting the following variances:

1. A variance (121-149.d) for lot size is required as the property is only .56 acres in size and not the required minimum lot size of one (1) acre.

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 hardship exists on the property since the lot size has been in existence for many decades and that it does not permit a single family dwelling in the A1 District.

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 lot size is 165’ x 150’ and that is .44 acres less than the current estate residential size.

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 the variances is consistent with the existing usage of the property since it will be the same use.

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 variance will not impair an adequate supply of light or air to adjacent properties, substantially increase congestion, or increase the danger of fire, endanger public safety, or substantially diminish property values.

Recommendation: We find that the proposed rezoning requested 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 zoning district classification of the property described above be changed from Al-Agriculture to RE-Rural Estate.

We further find that the proposed variance meets all the standards for recommending granting as found in Section 17.03.G5 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 variances regarding lot size be granted.

**Roll Call Vote:** The roll call vote was five (5) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 6th day of August, 2018 by the Kankakee County Zoning Board of Appeals.

John Fetherling, Chairman – Aye  
Gene Rademacher – Absent  
David Deyoung – Absent  
Edwin Meents – Aye  
William Hemm-Aye  
Elizabeth Scanlon – Aye  
William Sawyer - Aye

Exhibit A – Location Map, Essex Township
Essex Township
P.O. No. 09-06-15-00-00-00-05
Rezoning At To RE A Variance (Lot Size)
Timothy & Caitlyn Wikerson (Owners & Applicants)

STAFF REPORT

ZBA CASE 18-29
Background

The applicants and owners, Timothy and Caitlyn Wilkerson, are requesting a rezoning from AG-Agriculture to RE-Rural Estate and a variance for lot size on a 56-acre parcel located at 15977 S. 3000 Rd in Essex Township. The parcel contains one single-family home and a shed. The parcel and home were divided from the farm parcel on May 23, 1986. At that time, the minimum parcel size for a home in the agricultural district was two (2) acres. This division was not compliant with the ordinance. In order to rectify the situation, the Wilkersons are requesting a map amendment to change the current zone to RE-Rural Estate and a variance for lot size.

Planning Department Analysis:

A. What is the proposed rezoning consistent with the purpose and intent of the zoning ordinance?

Petitioner's Response: This is a rural estate residence constructed more than 40 years ago.

Planning Department Analysis: The purpose of the RE-Rural Estate District is to promote low-density residential uses in areas surrounded by agricultural uses. This zone is consistent with the purpose and intent of the ordinance.

B. How is the proposed rezoning consistent with the goals, objectives, and policies of the County Comprehensive Plan?

Petitioner's Response: This is a rural estate residence in an area surrounded by agricultural uses.

Planning Department Analysis: Staff agrees that one of the goals of the County Comprehensive Plan is to cluster rural residential development to minimize its impact to the agricultural community. Further, because the development of the parcel is consistent with the agricultural community, staff agrees that the proposed rezoning is consistent with the comprehensive plan.

Finding of Facts - Map Amendment

The following sections highlight the petitioner's responses to the findings and the Planning Department's analysis.

In general, the petitioner's responses can be seen on the left.
E. Explain how the permitted uses in the zoning classification being requested will not sub-
stantially increase the level of congestion on public rights-of-way. Petitioner's Response: "Ex,
st,ing use is single family residence." 

Petitioner's Response: "Continued use will be a single family residence." 

Planning Department Analysis: "Existing use is single family residence." 

Planning Department Analysis: "Continued use will be a single family residence." 

F. Explain how the proposed rezoning/land use will be compatible with uses occurring on surrounding properties. 

Planning Department Analysis: "Existing use is single family residence." 

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Planning Department Analysis: "Continued use will be a single family residence.”
Subject property looking east.

Subject property looking north.

F.
Is the subject property suitable for the permitted uses under the existing zoning classification?

Petitioner’s Response: “No; it is a single family residence with surrounding Al zoning.”

Planning Department Analysis:

Staff agrees. However, the Village of Essex does not have a comprehensive plan.

Planning Department Analysis:

Petitioner’s Response: “Yes, one mile from Essex city limits.”

I. Is the proposed rezoning/amendment within one mile and a half miles of a municipal?

Yes.

The Village of Essex is located one mile north of the site.

The area surrounding the property in question is in agricultural uses with a few small residential areas.

Planning Department Analysis:

Petitioner’s Response: “Yes, continued trend of agricultural use.”

Planning Department Analysis:

“Continued trend of agricultural use.”

J. 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 trend of development in the area surrounding the property in question is agricultural use.

Planning Department Analysis:

Petitioner’s Response: “Continued trend of agricultural use.”

Planning Department Analysis:

“Continued trend of agricultural use.”

K. Is the subject property suitable for the permitted uses under the proposed zoning classification?

Staff agrees. The parcel is too small to support any practical agricultural use.

Planning Department Analysis:

Petitioner’s Response: “No, it is a single family residence with surrounding Al zoning.”

Planning Department Analysis:

“No, it is a single family residence with surrounding Al zoning.”
Planning Department Analysis:

The finding of fact centers around the petitioners' need to show a hardship that is based on the physical characteristics of the property. In this case, the parcel was created over 22 years ago by owners who no longer own the property.

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The following sections highlight the petitioners' responses to the findings and the Planning Department's comments for the proposed variance.

Finding of Fact Responses - Variance

The requirement minimum lot size of one (1) acre

The applicants are also requesting the following variances:

1. A variance (121-149.4') for lot size is required as the property is only .56 acres in size and not

The following sections highlight the petitioners' responses to the findings and the Planning Department's comments for the proposed variance.

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The applicants are also requesting the following variances:

1. A variance (121-149.4') for lot size is required as the property is only .56 acres in size and not
The supply of air and light to adjacent properties, the configuration of the public street and the danger of fire should not be altered in any way.

Planning Department Analysis:

Petitioners' Response: "No."
1. Reference:
   Hearing Date: July 9, 2018
   Applicant's Name: Timothy and Caitlyn Wilkerson
   Land Owner's Name: Jeff Fischer
2. Location:
   Property Location: 15977 W 3000 N Road, Essex, IL
   Township: Essex Township
   Parcel Number: O9-06-15-3'D0-O00
3. Dimensions:
   Size of Parcel: 56 Acres
   Road Frontage: 315 feet
   Parcel Depth: 165 feet x 150 feet
   Parcel was created in May 23, 1986
4. Existing Land Use Features:
   Public Road: None
   Floodplain: None
   Wetland: None
5. Surrounding Zoning:
   North:
   East: Agricultural
   South:
   West: Agricultural
   East:
   South: Agricultural
   West:
   North: Agricultural
6. Surrounding Land Use:
   North:
   West:
   South:
   East:
7. Surrounding Land Use Features:
   North: Agricultural
   West: Agricultural
   South: Agricultural
   East: Agricultural
8. Surrounding Township:
   North:
   West:
   South:
   East:
9. Location Map - Essex Township
10. Location Map - Kankakee County