



To: Plan Commission

From: Ron Mentzer, Interim Community and Economic Development Director
Zoe Gates, Administrative Clerk

Date: August 8, 2024

Re: Raphael Prado Rezoning and Setback Variations for Vacant Property at
Northwest Corner of Caton Farm Road and Plum Street

Project Details

Applicant:	Raphael Prado
Request	Rezoning and Front Yard Setback Variation
Location	NW Corner of Caton Farm Road and Plum Street

Site Details

Lot Size:	0.39 acres
Existing Zoning	R-3 Unincorporated Will County

Land Use Summary

Parcel	Land Use	Comp Plan	Zoning
Subject Property	Residential – Single Family	Single-Family	Uninc. R3
North	Residential – Single Family	Single Family	Uninc. R3
South	General Business	Local Commercial	B2
East	Empty Lot	Local Commercial	B2
West	Residential – Single Family	Single-Family	Uninc. R3

Attachments

- Application for Development – Appendix C dated 7/12/2024
- Applicant Annexation Letter to Mayor and City Council dated 5/9/2024
- Plat of Survey sealed on 8/10/2023
- Lot Coverage Site Plan - undated
- Site Plan – undated
- Floor plan – undated
- Geotech Inc. Engineering Site Plan – dated 7/31/2024
- East and South Building Elevations – undated
- Exhibit A – Existing Caton Farm Road Setback Aerial Photo Exhibit

Project Summary and Background

Rezoning: The owner of the vacant 16,874 sq. ft. unincorporated property located at the northwest corner of the intersection of Plum Street and Caton Farm Road (the “Subject Property”) has applied to have the property annexed into the City of Crest Hill so the new home he intends to construct on the property for his family can be connected to City of Crest Hill sanitary sewer and water mains. According to Illinois State Statutes, when a municipality annexes property, the municipality’s most restrictive zoning classification is automatically applied to the property. In Crest Hill, this would be the City’s R-1A Single Family zoning district. Since the Subject Property is smaller than the 20,000 sq. ft. minimum lot size required in the R-1A zoning district, the lot would non-conforming and unbuildable if zoned R-1A. As a result, the property owner is requesting the property be rezoned to R-1B upon annexation into the City of Crest Hill.

Front-Yard Setback Variation: The property owner is also requesting approval of a setback variation that would reduce the minimum required front-yard building setback in the R-1B zoning district along the Caton Farm Road frontage of the Subject Property from 30-feet to 20-feet so he can construct the new home reflected in the attached design documents on the site.

City Council Workshop Review:

The City Council discussed the potential annexation of the Subject Property into the City of Crest Hill, rezoning it into the City’s R-1B zoning District, and the property owner’s potential front-yard building setback variation request at the May 13, 2024 Workshop Meeting. The City Council was receptive to these requests and encouraged the property owner to formally apply for them.

Analysis

In consideration of the request, the key points of discussion and details are as follows:

- The requested rezoning would be consistent with the City's Comprehensive Land Use Plan designation.
- City sewer and water utilities are located along the east edge of the property.
- The properties located immediately adjacent to the east and south are already incorporated into the City of Crest Hill.
- The requested R-1B zoning is the City's most restrictive residential zoning classification the Subject Property would satisfy the minimum lot size requirements of.
- The Subject Property is located within the Sunnyland Subdivision. When the Sunnyland Subdivision was originally approved by Will County, the minimum required front-yard building line along Caton Farm Road was 20 feet. This is reflected on the attached survey.
- As illustrated on aerial photo Exhibit A, other existing homes along the north side of the adjacent section of Caton Farm Road to the west of the Subject Property have been constructed with front-yard setbacks consistent with the historical 20' front yard building line recorded against this property and the variation requested by the property owner.
- All other aspects of the property owners proposed development plan for the Subject Property comply with applicable City Zoning Requirements and Regulations.
- Section 12.8-5 of the Zoning Ordinance states that when the Plan Commission forwards a recommendation to approve or deny a **rezoning request** to the City Council, the Plan Commission shall make findings of fact and those findings of fact *shall consider the following*:
 1. *Whether the uses permitted by the proposed amendment would be appropriate in the area concerned.*
 2. *Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional dwelling units likely to be constructed as a result of such change.*
 3. *Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers in the vicinity.*
 4. *Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the City and the probable effect of such change on the cost of providing public services.*
 5. *The amount of vacant land which is currently zoned for similar development in the City or in contiguous areas, and particularly in the vicinity of the area included in the proposed amendment, and any special circumstances which may make part of such vacant land unavailable for development.*
 6. *The recent rate at which land is being developed in the proposed district of the City, and particularly in the vicinity of the area included in the proposed amendment.*
 7. *The effect of the proposed amendment upon the growth of existing neighborhoods as envisioned by the Crest Hill Comprehensive Plan.*

8. *Whether other areas designated for similar development are likely to be so developed if the proposed amendment is adopted, and whether the designation for such future development should be withdrawn from such areas by further amendment of this Ordinance.*
 9. *If the proposed amendment involves a change from a residential to a non-residential designation, whether more non-residential land is needed in the proposed location to provide commercial services or employment for the residents of the City.*
 10. *Existing uses and zoning within the general area of the property in question.*
 11. *The extent to which property values are diminished by particular zoning restrictions.*
 12. *The extent to which the restriction of property values of the petitioner promotes the health, safety, morals, or general welfare of the public.*
 13. *Whether the proposed amendment is the minimum adjustment necessary to allow the reasonable use of the property.*
- Section 12.6-2 of the Zoning Ordinance states *the Plan Commission shall recommend, and the City Council shall grant a **variation** only when it shall have been determined, and recorded in writing, that all of the following standards are complied with:*
 1. *That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;*
 2. *That the plight of the owner is due to unique circumstances; and*
 3. *That the variation, if granted, will not alter the essential character of the locality.*

For the purpose of supplementing the above standards, the Plan Commission, in making the determination, whenever there are particular hardships, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

1. *That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*
2. *The conditions upon which the petition for a variation is based are unique to the property owner for which the variation is sought and are not applicable, generally, to the other property within the same zoning classification.*
3. *That the alleged difficulty or hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property.*
4. *That the proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase congestion in the public streets or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.*
5. *That the variation does not permit a use otherwise excluded from the particular zone except for uses authorized by the Plan Commission, subject to the approval of the City Council, as "similar and compatible uses."*
6. *That the variation granted is the minimum adjustment necessary for the reasonable use of the land.*
7. *That the granting of any variation is in harmony with the general purposes and intent of the Zoning Ordinance, and will not be injurious to the neighborhood,*

be detrimental to the public welfare, alter the essential character of the locality, or be in conflict with the Comprehensive Plan for development of the City.

8. *That, for reasons fully set forth in the recommendations of the Plan Commission, and the report of the City Council, the aforesaid circumstances or conditions are such that the strict application of the provisions of the Zoning Ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variation; there must be a deprivation of beneficial use of land.*

In addition, the City Council, upon the recommendations of the Plan Commission, may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this Section to reduce or minimize the effect of such variation upon other property in the neighborhood, and to better carry out the general intent of this Ordinance.

Please contact Ron Mentzer at 815-741-5107 or rmentzer@cityofcresthill.com with any questions or concerns.

