

# CITY OF WASHINGTON

## PLANNING & DEVELOPMENT DEPARTMENT

301 Walnut St. · Washington, IL 61571

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<http://www.washington-illinois.org>

[joliphant@ci.washington.il.us](mailto:joliphant@ci.washington.il.us)

### MEMORANDUM

TO: Chairman Burdette and Planning and Zoning Commission  
FROM: Jon R. Oliphant, AICP, Planning & Development Director  
SUBJECT: Public Hearing – Request by Steve and Alissa Vander Naalt to Rezone 926 Dallas Road (the “Subject Property”) from the R-1 District to the AG-1 District  
DATE: October 29, 2024

**Current Zoning:** R-1 District (Single- and Two-Family Residential)

**Comprehensive Plan Designation:** STFR (Single- and Two-Family Residential)

**Request Summary:** Steve and Alissa Vander Naalt have requested the rezoning of 926 Dallas Road from the R-1 District (Single- and Two-Family Residential) to the AG-1 District (Agriculture) to allow for poultry to be housed on the property. An analysis of the pertinent facts is offered below.

**Background:** Mr. and Mrs. Vander Naalt purchased 926 Dallas in 2017. The property was part of a larger tract with 920 Dallas when it was rezoned in 2005 from AG-1 to R-1. The property was later subdivided to allow for a new house to be built at 926 Dallas. The Vander Naalt’s have indicated that they thought the property was zoned AG-1 when they bought it.

The Subject Property totals approximately 2.84 acres. Aside from the house that was constructed in 2012, a pool was added in 2022. The Subject Property is largely secluded from view from Dallas due to significant tree coverage. Mr. and Mrs. Vander Naalt were informed by staff that the City Council repealed the consideration of poultry on residential-zoned properties in 2020 with the exception of those specific owners and properties that had previously approved special use permits. Agricultural uses, including the raising and feeding of stock and poultry, and single-family dwellings are allowed on AG-1 parcels. The Vander Naalt’s determined that they would like to seek a rezoning to AG-1 to allow for chickens to be housed on their property.

The Vander Naalt’s have indicated that they are not interested in any other agricultural uses and have proposed a “conditional rezoning” to AG-1 that would prohibit the utilization “for large animal use of any kind, large animal housing, commercial agriculture, grain storage, a riding academy or commercial stables.” The full proposal submitted by the Vander Naalt’s is attached. This includes affidavits signed by four of the five adjacent property owners on the west side of Dallas that have attested to their support of the rezoning request. The one exception to that list is the Faith Holliness Assembly property at 1014 Dallas, which is currently vacant. According to the submittal from the Vander Naalt’s, a horse farm was formerly located on this property.

Staff found one other case that involved a downzoning from a non-AG-1 district to AG-1 that also had conditions attached to the rezoning. 914 S. Main Street was rezoned to AG-1 with restrictions in 1996. The property was annexed concurrent with the rezoning and did not receive the default R-1A (Single-Family Residential) zoning classification. The restrictions placed on the property were to only allow for the “keeping, raising and feeding of horses and ponies, a riding academy or commercial stables for retail or boarding of horses or ponies and for single-family dwelling purposes, and for not other agricultural purposes.” It restricted the number of horses or ponies to eight at any one time for no longer than 24 consecutive hours.

The Subject Property is centrally located within an area that primarily contains single-family residential uses with some larger lot residential properties and a church parcel to the north and northwest. Dallas is a major collector road with an annual average daily traffic (AADT) count of about 2,500. The road is utilized

prominently for access to institutional uses such as Central Intermediate and Primary Schools, Washington Community High School, Five Points Washington, and the Washington Fire Department. The following are factors to consider in light of the rezoning request:

<p>1. The existing uses and zoning of nearby properties:</p>	<ul style="list-style-type: none"> <li>• Properties located North of the Subject Property: <ul style="list-style-type: none"> <li>○ Use: Residential, Institutional</li> <li>○ City Zoning: R-1A (Single-Family Residential), R-1 (Single- and Two-Family Residential, AG-1 (Agriculture) Districts; County Zoning: R-1 District (Low Density Residential)</li> </ul> </li> <li>• Properties located East of the Subject Property: <ul style="list-style-type: none"> <li>○ Use: Residential</li> <li>○ Zoning: R-1 District</li> </ul> </li> <li>• Properties located South of the Subject Property: <ul style="list-style-type: none"> <li>○ Use: Residential</li> <li>○ Zoning: R-1, AG-1 Districts</li> </ul> </li> <li>• Properties located West of the Subject Property: <ul style="list-style-type: none"> <li>○ Use: Residential</li> <li>○ Zoning: R-1 District</li> </ul> </li> </ul>
<p>2. The extent to which property values are diminished by particular zoning restrictions:</p>	<ul style="list-style-type: none"> <li>• The R-1 District allows for single- and two-family residential structures. The AG-1 District allows for single-family residential structures in addition to agricultural uses. Property values do not figure to diminish due to the rezoning request.</li> </ul>
<p>3. The extent to which destruction of value of some property promotes the health, safety, morals or general welfare of the public:</p>	<ul style="list-style-type: none"> <li>• Most of the parcels near the Subject Property are zoned R-1. However, there are several parcels nearby on W. Cruger Road and two parcels to the south with frontage on Dallas that are zoned AG-1. The proposed zoning is not an ideal fit but is also not entirely incompatible with other nearby properties.</li> </ul>
<p>4. The relative gain to the public compared to the hardship imposed upon individual property owners:</p>	<ul style="list-style-type: none"> <li>• The hardship imposed upon the Subject Property owners by not being allowed to house poultry is minor. While there would be no gain to the public, there figures to be little impact on the nearby property owners given their support of the rezoning request.</li> </ul>
<p>5. The suitability of the property for zoned purposes:</p>	<ul style="list-style-type: none"> <li>• The property was previously zoned AG-1 when it was part of a larger tract with the 920 Dallas parcel. It meets each of the zoning code regulations for an AG-1 lot.</li> </ul>
<p>6. The length of time the property has been vacant as zoned, considered in the context of land developed in the vicinity:</p>	<ul style="list-style-type: none"> <li>• The Subject Property was originally zoned AG-1 until approval of its rezoning to R-1 in 2005. A single-family house was constructed on the property in 2012.</li> </ul>
<p>7. The community need for the proposed use:</p>	<ul style="list-style-type: none"> <li>• The proposed rezoning is intended for personal homestead usage to allow for the housing of poultry.</li> </ul>
<p>8. The compatibility with the Comprehensive Plan:</p>	<ul style="list-style-type: none"> <li>• The designation denoted in the Comprehensive Plan for the Subject Property is Single- and Two-Family Residential.</li> </ul>

**Conclusion:** Under most circumstances, staff would not support a rezoning request from R-1 to AG-1 when most of the nearby properties are zoned R-1. However, this property was previously zoned AG-1, it meets the applicable AG-1 lot regulations, and the Vander Naalt's have received written support from most of the adjacent property owners. As a result, staff is more comfortable with the request and does not feel that it would create an undue precedent for any possible future rezoning requests. Staff recommends that if the

rezoning is approved, the uses on the property be limited to single-family residential and the housing of chickens. Moreover, staff would strongly suggest that many of the same restrictions that formerly pertained to the housing of chickens on residential properties be applicable for the Subject Property as follows:

- Chickens shall only be permitted on the property if it is owner-occupied.
- Not more than five (5) chickens may be kept on the lot.
- No roosters or unreasonably loud species of chicken shall be kept on the lot.
- No chickens shall be slaughtered.
- Chickens shall be kept at all times within an enclosure in the rear yard constructed and consistent with a plan submitted and approved by the Code Enforcement Officer. The enclosure shall be kept and built in such a manner as to allow for easy ingress and egress for the chickens and shall offer protection from weather elements. Wire or other materials can only be used if a permanent six-foot (6') high opaque fence entirely encloses the rear yard. In lieu of a fence, a permanent enclosure housing the chickens shall be constructed subject to the approval of the Code Enforcement Officer. The enclosure shall not be visible from the street on which the house faces.
- The area of the enclosure for the purpose of housing chickens including any outdoor runs shall not exceed sixty (60) square feet.
- A building permit must first be issued for the enclosure housing chickens. The fee for the housing of chickens shall be twenty-five dollars (\$25) for a one calendar year permit.
- The enclosure housing chickens shall not be located closer than ten (10) feet from any side or rear property line and twenty-five (25) feet from any residential structure on an adjacent lot.
- Waste material shall not be accumulated resulting from the keeping of chickens which creates any offensive odor or nuisance.
- All food sources and other items that are associated with the keeping of chickens that are likely to attract rats, mice, or other rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with them.

A public hearing will be held by the Planning and Zoning Commission at their meeting on Wednesday, November 6, 2024, to make a recommendation to the City Council.

Enclosures

# CITY OF WASHINGTON, ILLINOIS

## APPLICATION FOR REZONING

To have a complete application for a rezoning, you must submit the following:

- Signed and completed application
- Plat showing subject property and all adjacent properties – See below for plat requirements
- Ownership documentation (lease, deed, mortgage, etc.)
- Accurate legal description obtained from the Warranty Deed
- Application fee of \$100 payable to the City of Washington

Address or location of property: 926 Dallas Rd. Washington, IL 61571

Property Tax ID (PIN) number: 02-02-15-200-052

Current zoning classification of the property: R1 Proposed zoning classification of the property: Ag1

Current use of the property: Residential

Proposed use of the property: small animal agriculture / personal homestead

Does the proposed zoning meet the City's Comprehensive Plan?  YES  NO

If not, what unique characteristics about your property warrant a rezoning? \_\_\_\_\_

Name of Applicant: Steve and Anissa VanderNaalt Phone Number of Applicant: \_\_\_\_\_

Address of Applicant: 926 Dallas Rd. Washington, IL 61571

Owner of Property: Steven and Anissa VanderNaalt

Address of Owner: 926 Dallas Rd Washington, IL 61571

I would like to receive correspondence by:  Mail  Email Email address: \_\_\_\_\_

### PLAT REQUIREMENTS: Your rezoning plat must show:

- The subject property and all adjacent properties (including across rights-of-way)
- Each property shall be labeled to show the owner or business name, address, current zoning, and proposed zoning
- Adjacent rights-of-way, streets, roads, railroads, waterways, and other physical features

**PUBLIC HEARING:** Your case will be referred with staff's recommendation to the next regularly scheduled Planning and Zoning Commission meeting for a public hearing. The Planning and Zoning Commission meets the first Wednesday of every month at 6:30 p.m at the Washington Fire Department at 200 N. Wilmor Road. At the Planning and Zoning Commission meeting, you will present your request. The Planning Commission will consider the following factors before making their recommendation to the City Council:

- 1) Existing uses and zoning of nearby property;
- 2) Extent to which property values are diminished by particular zoning restrictions;
- 3) Extent to which destruction of value of some property promotes health, safety, morals or general welfare of the public;
- 4) Relative gain to public compared to hardship imposed upon individual property owners;
- 5) Suitability of property for zoned purposes;
- 6) Length of time property has been vacant as zoned, considered in context of land developed in vicinity;
- 7) Community need for the proposed use;
- and 8) Compatibility with the Comprehensive Plan.

**Certification:** *To the best of my knowledge, the information contained herein, and on the attachments, is true, accurate, and correct, and substantially represents the existing features and proposed features. Any error, misstatement, or misrepresentation of material fact or expression of material fact, with or without intention, shall constitute sufficient grounds for the revocation or denial of the proposed Rezoning.*

[Signature]  
Signature of Applicant

10/7/24  
Date

[Signature]  
Signature of Owner

10/7/24  
Date

After receiving a completed application, the City Clerk will file notice of your request with the local newspaper and with the adjoining property owners. If you have any questions, please contact Jon Oliphant, Planning & Development Director at (309) 444-1135.

FOR OFFICE USE ONLY Case No.: \_\_\_\_\_  
Plat Submitted? Y / N Date: \_\_\_\_\_  
Date to go before the Planning and Zoning Commission: \_\_\_\_\_

Fee Paid? Y / N Date: \_\_\_\_\_  
Documentation of Authority Submitted: \_\_\_\_\_  
Commission Action: \_\_\_\_\_

926 Dallas Rd Rezoning request  
R1 to AG1 with large animal exclusion

### **Proposed Change**

Steve and Alissa Vander Naalt, the current owners of 926 Dallas are requesting a zoning change from **R1 back to AG1 with a large animal exclusion** to allow for personal homestead usage for gardening and small animals.

- 926 Dallas would not be utilized for large animal use of any kind, large animal housing, commercial agriculture, grain storage, a riding academy or commercial stables.

### **Brief Property History**

Prior to May 2005, 926 Dallas was a part of 920 Dallas Rd and was utilized as a horse farm. The property was rezoned in May of 2005 for an unknown reason. Neighbors state that the land continued to be utilized as a horse farm well into 2006. All owners since rezoning were under the impression that this property was still zoned Ag-1.

### **Current Status**

926 Dallas Rd is a unique property within Washington measuring just under 3 acres. There is large tree coverage as well as a portion of Farm Creek within the property. The property is currently utilized for residential purposes and due to its unique layout, will never be divided into further residential lots or incorporated into a subdivision. Current plat attached (MAP 1). Zoning change would have no influence on future city infrastructure or cause need for utility changes.

### **Zoning Ordinance requirements for AG1**

- 926 Dallas will never be divided into further residential lots or incorporated into a subdivision
- Required lot area of 2 acres exceeded – 2.9 acres
- Lot width of 200 feet exceeded – 260 feet
- Front yard of 80 feet exceeded – 275 feet
- Side yards of 15 feet exceeded – 30 feet and 175 feet
- Rear yard of 30 feet exceeded – 100 feet

Note: A zoning change **would NOT create precedent** as almost no R1 properties within Washington meet AG1 ordinance lot size and setback requirements.

### **Current neighborhood support**

All current neighbors of 926 Dallas Rd are in support (signed affidavits attached) of a zoning change including:

920 Dallas Rd ·

1020 Dallas Rd -

829 Simon St ·

825 Simon St –

### **Supportive Neighboring Properties**

- 900 Dallas Rd is a similar property that has likewise been bought and sold in a similar time frame as 926 Dallas Rd. It also has a single-family home as does 926 Dallas and has retained its AG1 status
- 14 Chrisendale Ln has long held a large property abutting Dallas Rd that continues to be zoned AG1
- Now 709 Dallas Rd, previously part of the 14 Chrisendale Ln lot, has recently been developed as a single-family residence and retains AG1 status
- All three properties, 900 Dallas Rd, 709 Dallas Rd and 14 Chrisendale Ln are further into town than 926 Dallas Rd and maintain AG1 status

Attached zoning map (MAP 2) demonstrates the numerous surrounding AG1 properties currently on Dallas and Cruger Rd. Many of which are utilized as single-family homes as is 926 Dallas Rd

### **Future Plans for 926 Dallas Rd**

1. Changing to AG1 would allow utilization of our unique property in further manners as desired by our family for personal use only. We are more than happy to make our submission with an exemption to exclude large animals at 926 Dallas Rd.

**MAP 1**





**MAP 2**



## Neighbor Affidavits

October 4, 2024

Dear Washington Planning and Zoning Commission and Mr. Jon Oliphant:

We are writing this letter in support of our neighbors, Steven and Alissa Vander Naalt, with their request to rezone from R1 to AG1. We have discussed the matter and their desired property uses with the Vander Naalts. We have no objection to this zoning change.

Sincerely,

(825 Simon Street)

(920 Dallas Rd)

(829 Simon Street)

(1020 Simon Street)

Dallas Road

Ownership Deed and Legal Description

WARRANTY DEED  
TENANCY BY THE ENTIRETY  
Statutory (Illinois)  
(Corporation to Individual)

BT 17-01711 (282)

Tazewell County, IL  
(Christie A. Webb)

**Doc No.: 201700009938**

Receipt #: 771587  
Pages Recorded: 4  
Document Type: 180

Total Fees: \$12.25  
Illinois St. Revenue Stamp: \$630.00  
County Revenue Stamp: \$325.00  
HRSR FUND: \$9.00

Date Recorded: 7/7/2017 10:22:32 AM

Above Space for Recorder's Use Only

THE GRANTOR CARTUS FINANCIAL CORPORATION, a corporation created and existing under and by virtue of the laws of the State of Delaware and duly authorized to transact business in the State of Illinois, for and in consideration of Ten and no/100 (\$10.00) DOLLARS, and other good and valuable considerations in hand paid, and pursuant to authority given by the Board of Directors of said corporation, CONVEY(S) and WARRANT(S) to **Steven J. Vander Naalt and Alissa R. Vander Naalt**

(Names and Address of Grantees)

Not as joint tenants with rights of survivorship, nor as tenants in common, but as TENANTS BY THE ENTIRETY, the following described Real Estate situated in the County of Tazewell in the State of Illinois, to wit:

LEGAL DESCRIPTION ATTACHED AND MADE A PART HEREOF

TO HAVE AND TO HOLD said premises as husband and wife, not as Joint Tenants, nor as Tenants in Common but as TENANTS BY THE ENTIRETY forever.

SUBJECT TO: General taxes for \_\_\_\_\_ and subsequent years and (SEE ATTACHED)

Permanent Real Estate Index Number(s): 02-02-15-200-052

Address(es) of Real Estate: 926 Dallas Road, Washington, IL 61571

Dated this 12<sup>th</sup> day of JUNE 2017

I Witness Whereof, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by \_\_\_\_\_, its Authorized Agent, and attested by \_\_\_\_\_, its Authorized Agent, this \_\_\_\_\_ day of \_\_\_\_\_.

(IMPRESS CORPORATE SEAL HERE)

CARTUS FINANCIAL CORPORATION

By:

Attest:

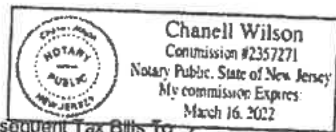
*[Handwritten signature of Katherine B. ...]*  
*[Handwritten signature of ...]*

STATE OF New Jersey )  
 )  
COUNTY OF Burlington ) SS

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Katrina Baradj  
Assistant Vice President personally, known to me to be the Ted Obendorfer Authorized Agent of  
Cartus Financial Corporation and \_\_\_\_\_ personally known to be to the \_\_\_\_\_  
of said corporation, and personally known to me to be same person(s) whose name(s) is/are subscribed in  
the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed, and delivered the  
said instrument pursuant to authority given by the Board of Directors of said corporation as their free and voluntary act and the free  
and voluntary act of the corporation, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 17<sup>th</sup> day of JUNE 2017

Chanell Wilson  
Notary Public  
(Seal)



My commission expires on MARCH 16 2022

Mail to: Grantee's Address:  
Steven J. Vander Naalt & Alissa R. Vander Naalt  
926 DALLAS RD.  
Washington, IL 61571

Send Subsequent Tax Bills To:  
Steven J. Vander Naalt  
926 Dallas Rd.  
Washington, IL 61571

This instrument was prepared by: Jeffrey S Marks; Busse Busse & Grassé PC; 20 N Wacker Drive, Suite 3518, Chicago, IL 60606.

\*\*This conveyance must contain the name and address of the Grantee for tax billing purposes: (Chap. 55 ILCS 5/3-5020) and name and address of the person preparing the instrument (Chap. 55 ILCS 5/3-5022).

After Recording Return To: Burnet Title - Post Closing 1301 W. 22nd Street Suite 510 Oak Brook, IL 60523	TO	FROM	WARRANTY DEED Statutory (Illinois)
	CARTUS FINANCIAL CORPORATION		

# Tazewell County, Illinois

generated on 10/30/2024 4:26:46 PM CDT

## Parcel

<b>Parcel ID</b> 02-02-15-200-052	<b>Alt. PIN</b>	<b>Parcel Address</b> 926 DALLAS RD, WASHINGTON	<b>Data as of</b> 11/18/2023
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### Tax Payer Information

<b>Tax Payer</b>	VANDER NAALT STEVEN J & ALISSA R
<b>Tax Payer Address</b>	926 DALLAS RD WASHINGTON IL 61571
<b>Transfer Date</b>	07/07/2017

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### Location Information

<b>GIS</b>		<b>Section &amp; Plat</b>	
<b>District No.</b>	02021	<b>State Assigned District No.</b>	020
<b>Township No.</b>	002,	<b>Routing No.</b>	
<b>Parcel Address</b>	926 DALLAS RD, WASHINGTON	<b>Legal Desc.</b>	SEC 15 T26N R3W FINAL PLAT MACINTOSH SUB LOT 2 NE 1/4 2.84 AC

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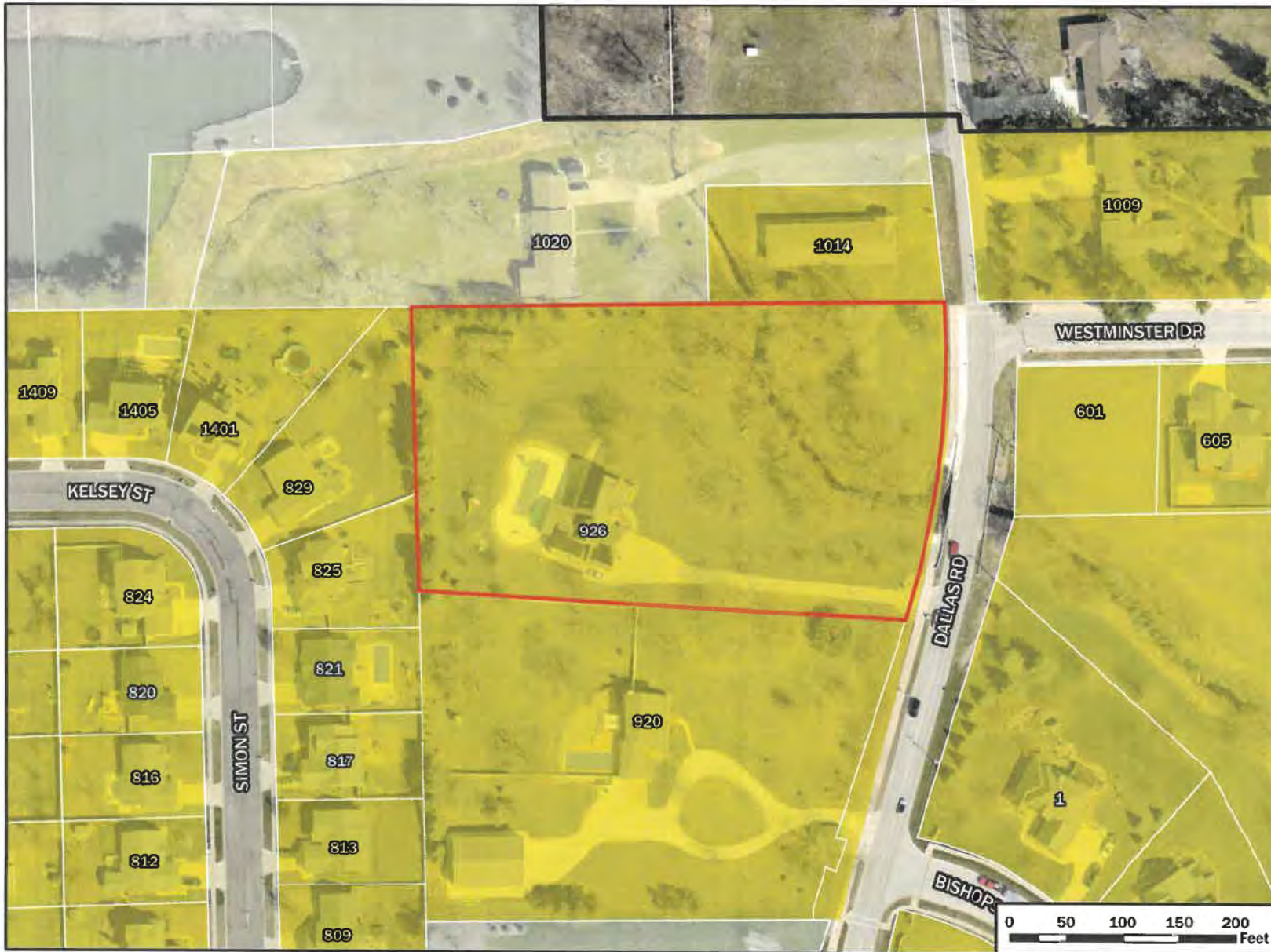
### Parcel Information

### Topography

### Services

<b>Property Class Code</b>	40 IMPROVED RESIDENTIAL LOT	<b>Level</b>	N	<b>Water</b>	
<b>Neighborhood Code</b>	214	<b>High</b>	N	<b>Sewer</b>	
<b>Neighborhood Factor</b>	124.00	<b>Low</b>	N	<b>Gas</b>	
<b>Neighborhood Type</b>		<b>Rolling</b>	N	<b>Electricity</b>	N
<b>Street or Road Code</b>		<b>Swampy</b>	N	<b>Sidewalk</b>	
		<b>Flood Hazard</b>		<b>Alley</b>	N
		<b>Waterfront Property Type</b>			

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# Zoning Map

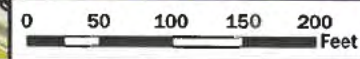
926 Dallas Road  
 PIN: 02-02-15-200-052

## Legend

- 926 Dallas Rd
- City Boundary
- Zoning**
- AG-1
- R-1A
- R-1



Date: 10/9/2024





This map indicates approximate data locations and may not be 100% accurate. Parcels are provided and maintained by Tazewell County.



# Location Map

926 Dallas Road  
PIN: 02-02-15-200-052

## Legend

-  926 Dallas Rd
-  City Boundary



Date: 10/9/2024

This map indicates approximate data locations and may not be 100% accurate. Parcels are provided and maintained by Tazewell County.

