



McHenry County  
Zoning Board of Appeals - Zoning Hearing  
AGENDA

April 10, 2025, 1:30 PM  
County Board Conference Room  
Administration Building, 667 Ware Rd., Woodstock, IL 60098

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Pages

1. CALL TO ORDER
2. ROLL CALL
3. NEW BUSINESS / PUBLIC HEARING
  - 3.1 Z25-0032 Weidner, Marengo Twp, A1-A2
4. OLD BUSINESS
5. PUBLIC COMMENT

Topics unrelated to public hearing - 3-minute time limit per speaker
6. ANNOUNCEMENTS
7. ADJOURNMENT

2

# Staff Report for the McHenry County Zoning Board of Appeals

**Application:** #Z25-0032

**PIN:** Part of 11-15-200-001

**Address:** 22517 Carmack Road, Marengo

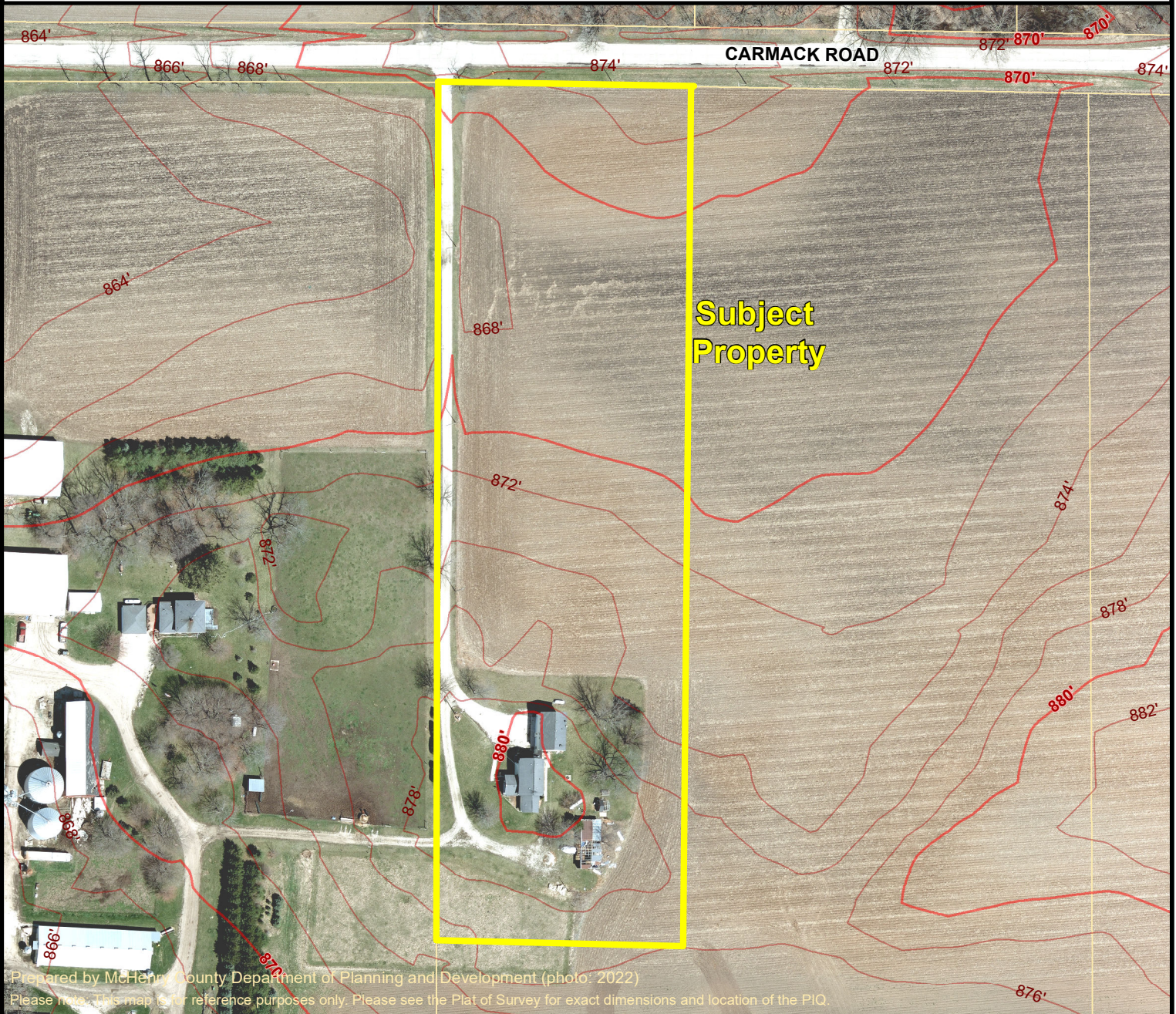
**Request:** A-1 Agriculture District to A-2 Agriculture District

**Hearing:** April 10, 2025

**Applicant:** Allen Weidner, et al

**Location:** The property is just under five (5) acres and is located at the south side of Carmack Road, two thousand three hundred ninety (2,390) feet west of the intersection of Hawthorn and Carmack Roads, in Dunham Townships.

## Aerial Map



Prepared by McHenry County Department of Planning and Development (photo: 2022)

Please note: This map is for reference purposes only. Please see the Plat of Survey for exact dimensions and location of the PIQ.

### Elevation

(feet above sea level)

- 10-foot contours
- 2-foot contours

### ADID Wetland Map 2005

- High Functional Value Wetland (hfw)
- High Quality Wetland (hqw)
- Wetland (w)
- Farmed Wetland (fw)

### FEMA Flood Hazard Areas

- 0.2 % Annual Chance of Flood
- 1% Annual Chance of Flood
- Floodway

Feet 75 37.5 0 75 150  
1 inch equals 150 feet



## Staff Report for the McHenry County Zoning Board of Appeals

### **STAFF COMMENTS**

*The following comments and conclusions are based upon staff analysis and review prior to this hearing and are to be considered viable unless evidence is established to the contrary. Staff may have additional comments based upon the testimony presented during the public hearing.*

### **BACKGROUND & REQUEST SUMMARY**

The applicant is requesting a map amendment from the A-1 Agriculture District to the A-2 Agriculture District on a five (5) acre tract of land. This tract of land is part a larger forty (40) acre parcel.

According to the plat of survey, the subject property contains a frame single-family residence and three (3) detached accessory structures.

### **MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE**

- The Applicant must meet the Approval Standards for Map Amendment, listed in §16.20.010.E.1 of the *McHenry County Unified Development Ordinance*.
- The Applicant must meet the A-2 District Rezoning Standards, listed in §16.36.020 of the *McHenry County Unified Development Ordinance*.

### **STAFF ANALYSIS**

#### Current Land Use & Zoning

The property is currently zoned A-1 Agriculture and has been used as a Single-Family Residence with Agriculture uses. The proposed reclassification is consistent with the A-1 zoning surrounding the subject property. There are a few A-2 Agriculture zoned properties located approximately a quarter (0.25) mile from the subject parcel. Within about a half (0.5) mile of the subject parcel there are properties with Estate and Residential designations.

#### 2030 Comprehensive Plan Future Land Use map

The proposed reclassification is consistent with the future land use designation of **Agricultural**.

#### 2030 Comprehensive Plan & 2030 and Beyond Analysis

The 2030 Comprehensive Plan and 2030 and Beyond Plan support the reclassification to the A-2 Agriculture District. There is minimal impact to the agricultural, natural, and water resources on the site (*See comments below*).

*McHenry County 2030 and Beyond, Adopted October 18, 2016—*

#### Big Idea #1 Let's make our communities healthy, active, and green

*"We can make it happen by promoting development that is compact, contiguous to, or located within municipalities in order to preserve rural landscapes while providing greater mobility choices for all residents." (p.12)*

- The nearest municipality to this property is Marengo, which is approximately two (2) miles from the subject property.
- The proposed reclassification will preserve the rural landscape and will not increase the density already established for this area.

#### Big Idea #2 Let's build on our strengths

*"We can make it happen by preserving our open space and agricultural landscapes, which provide recreational opportunities, including ecotourism, and sustain our rural lifestyle and agricultural industry." (p. 14)*

- The proposed reclassification is a mechanism to preserve agricultural lands in the county.

#### Big Idea #3 Let's grow smarter

*"We can make it happen by focusing development that is compact, contiguous to, or located within municipalities, and away from areas designated for agriculture and lacking infrastructure and services." (p. 16)*

- The proposed reclassification is consistent with the agriculture use of the surrounding properties. Granting the reclassification would not prohibit agriculture uses in the area to continue.

#### Big Idea #4 Let's expand our economy

No applicable text.

#### *McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010*

##### Community Character & Housing

*"Living with the land is the core belief of the rural lifestyle and it's because of these farmers, conservationists, and caretakers that the County is able to still hold on to its history and traditions...." "It is this way of life that still gives McHenry County its rural character. It fosters the protection of nature, the recharging of aquifers, and the preservation of the County's rich resources for future generations." (p. 23)*

- Reclassification to the A-2 Agriculture District preserves the essential aspects of the rural character by allowing agriculture uses to continue.
- The property is not within the Sensitive Aquifer Recharge Area (SARA).

##### Agricultural Resources

*"Maintain and protect the most productive agricultural lands, where appropriate, by discouraging nonagricultural growth in these areas." (p. 29)*

- The proposed reclassification to the A-2 Agriculture District would have a minimal impact to agricultural resources and allow agriculture land uses to continue.

##### Greenways, Open Space & Natural Resources

Objective: *"Promote land uses that minimize the impact on land, water, energy, and other natural resources" ... (p. 43)*

- The McHenry-Lake County Soil and Water Conservation District *Natural Resources Inventory* was received. The letter indicates that a full report isn't necessary due to the size of the parcel and the fact that further development is not contemplated. The report does note the presence of some hydric soils on the property. Please refer to attached NRI Letter #L25-012-4673 for details.

##### Water Resources

Objective: *"Preserve, improve, and replenish the quality and quantity of existing groundwater resources." (p. 63)*

- The proposed reclassification does not include any new improvements that would increase impervious surface area.

##### Economic Development

No applicable text.

##### Infrastructure

No applicable text.

#### **STAFF ASSESSMENT**

The applicant is requesting a map amendment from the A-1 Agriculture District to the A-2 Agriculture District on five (5) acres. The request is consistent with the existing Agriculture and Single-Family Residential land uses of the area. The request is also consistent with the recommendations provided in the 2030 and Beyond Plan and the 2030 Comprehensive Plan text. The reclassification is consistent with the future land use map designations of **Agricultural**. The subject property is not located in a sensitive aquifer recharge area (SARA). Staff has no objection to the applicant's request for reclassification.

Report prepared the March 25, 2025, by Anna Kurtzman, Senior Planner - McHenry County Department of Planning & Development.

### **Section 16.20.010.E.1 of the McHenry County Unified Development Ordinance**

*Approval Standards for Zoning Amendments.* The Zoning Board of Appeals recommendation and the County Board decision shall consider the following standards. However, the Zoning Board of Appeals' recommendation and the County Board's decision on any zoning text or map amendment is not controlled by any one factor under the following standards, but rather the approval of amendments is based on a balancing of the factors under each standard.

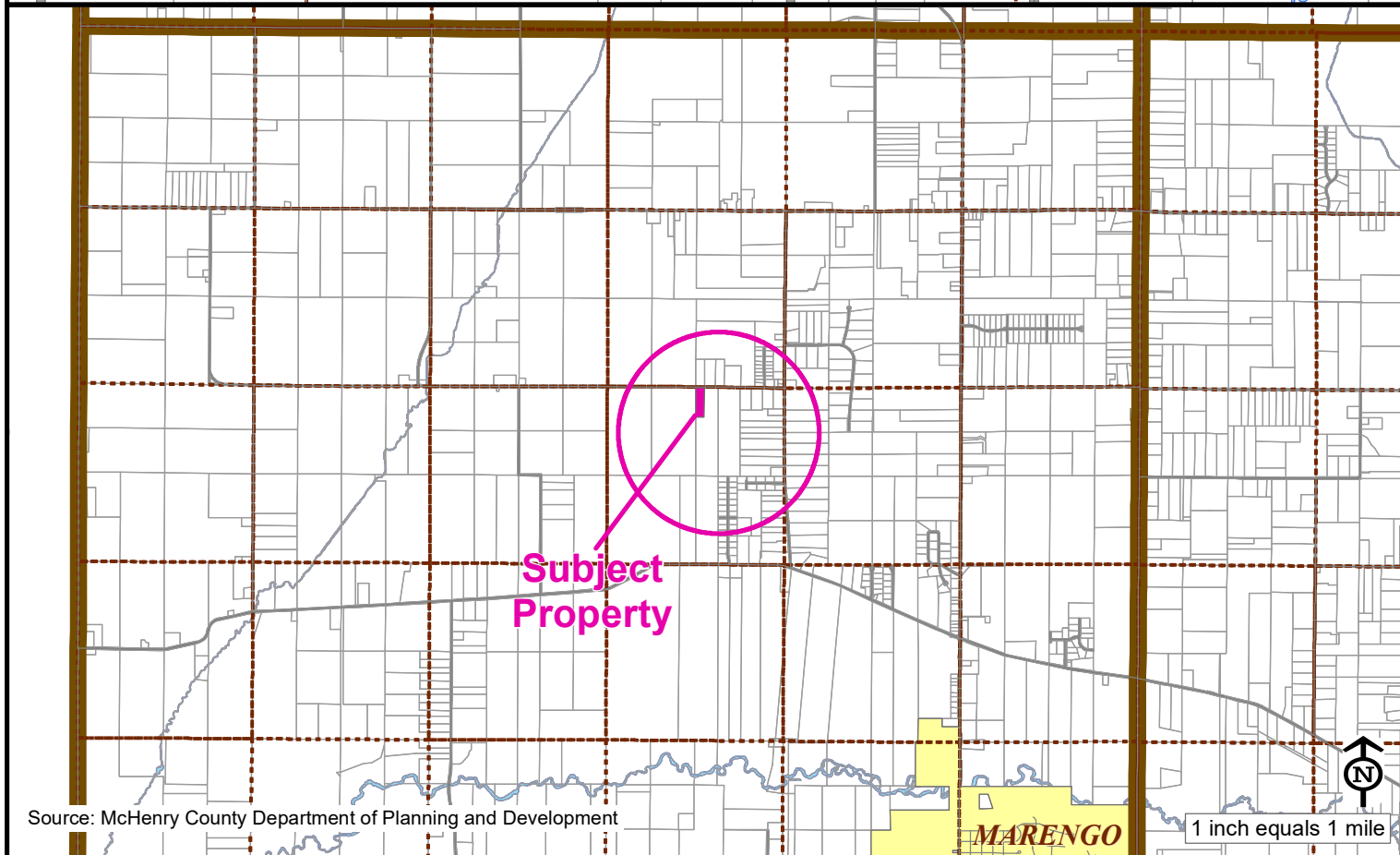
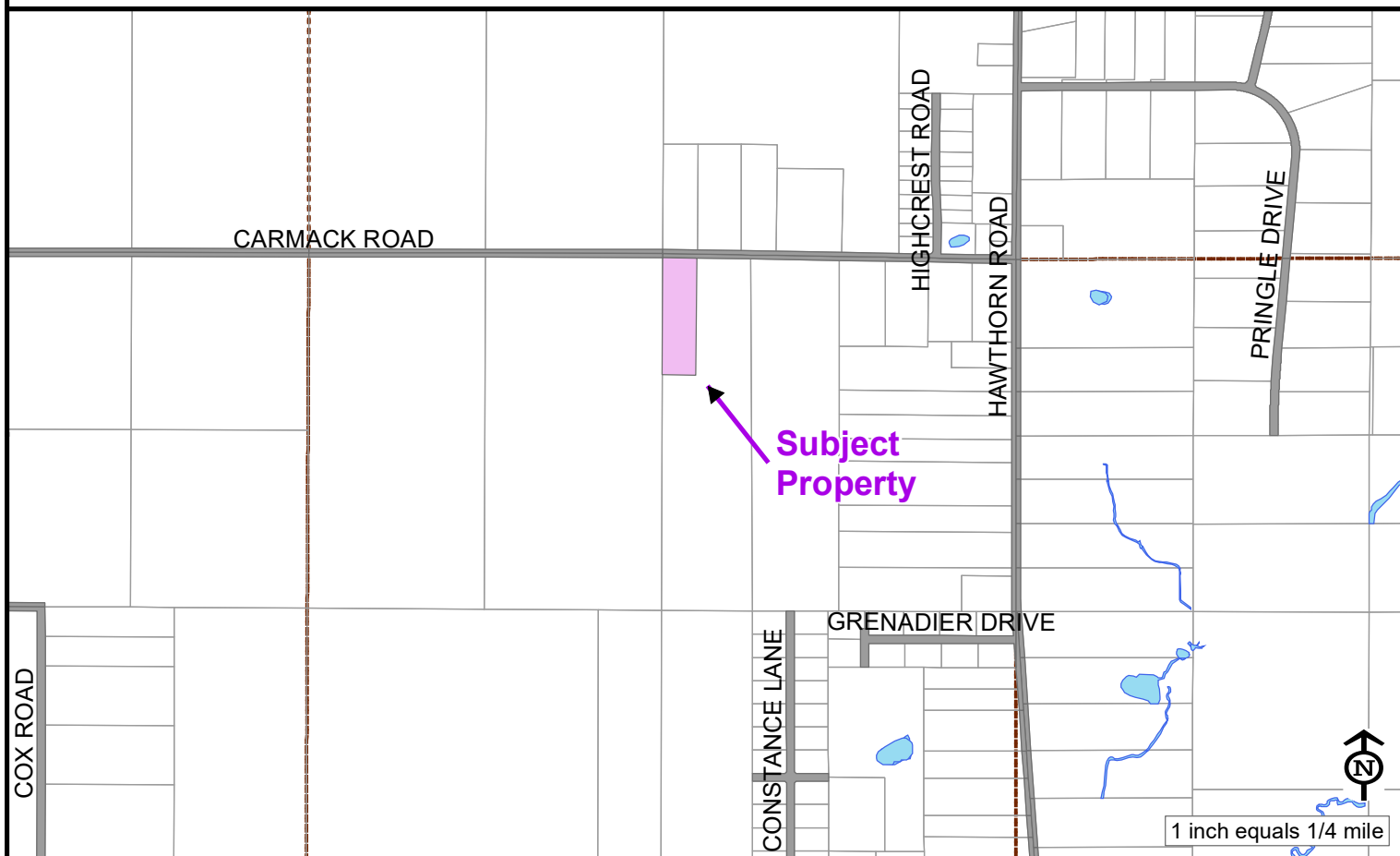
1. *Approval Standards for Map Amendments.*

- a. The compatibility of the proposed zoning with the existing use and zoning of nearby property.
- b. The extent to which property values of the subject property are diminished by the existing zoning.
- c. The extent to which the public health, safety, and welfare of the public are promoted by the existing zoning.
- d. The relative gain to the public, as compared to the hardship imposed upon the applicant, if the proposed zoning is denied.
- e. The suitability of the property for the purposes for which it is presently zoned.
- f. The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.
- g. The community need for the proposed use.
- h. The consistency of the proposed amendment with the adopted comprehensive plan and the appropriateness of the comprehensive plan to the subject property.

### **Section 16.36.020 of the McHenry County Unified Development Ordinance**

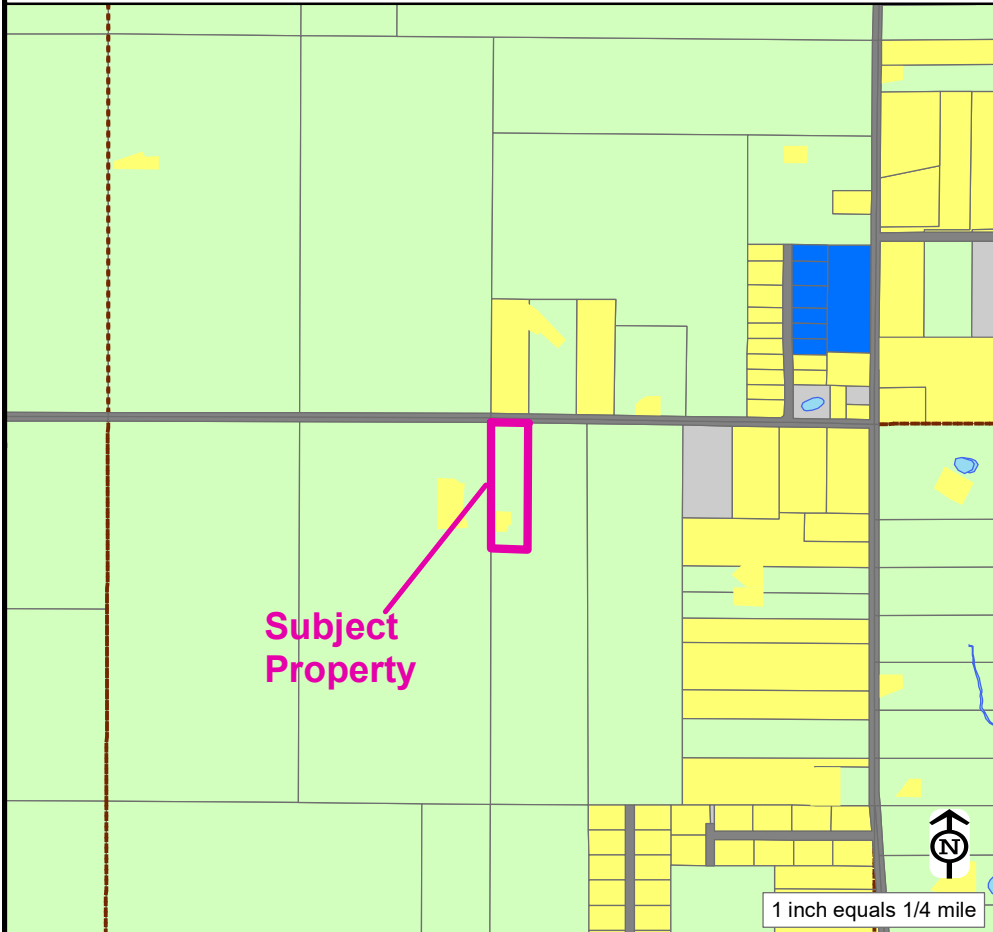
In addition to meeting the standards for a map amendment in § [16.20.010](#) (Zoning Map and Text Amendment), all rezonings to the A-2 District must meet the following additional requirements:

- A. Only property in the A-1 District is eligible for rezoning to the A-2 District.
- B. The subject property shall have an existing lawfully constructed residential dwelling on the property. Mobile homes, agricultural trailers, and agriculture employee housing do not qualify under this standard.
- C. The zoning petition shall be restricted to a single existing or proposed parcel.
- D. The subject property shall meet one (1) of the following three (3) relevant exemptions from the Plat Act (765 ILCS 205/ *et seq.*) as amended. In the event that the Plat Act is amended, the provisions of the Illinois Compiled Statutes shall control.
  - 1. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access.
  - 2. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
  - 3. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor, provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.



Source: McHenry County Department of Planning and Development

## Current Land Use Map



### Current Land Use

Single Family Residential & Agriculture

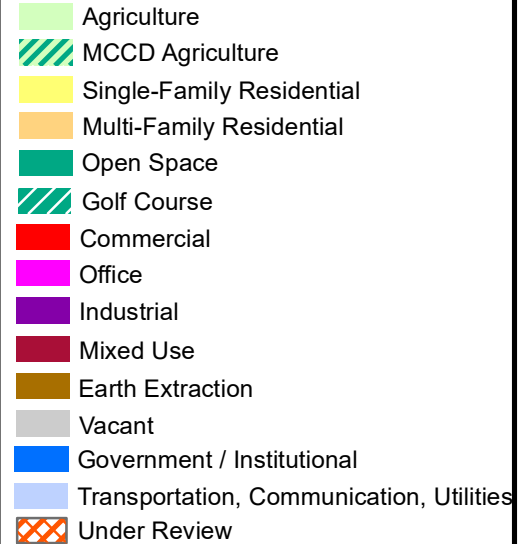
### Adjacent Land Use(s)

North: Single-Family Residential

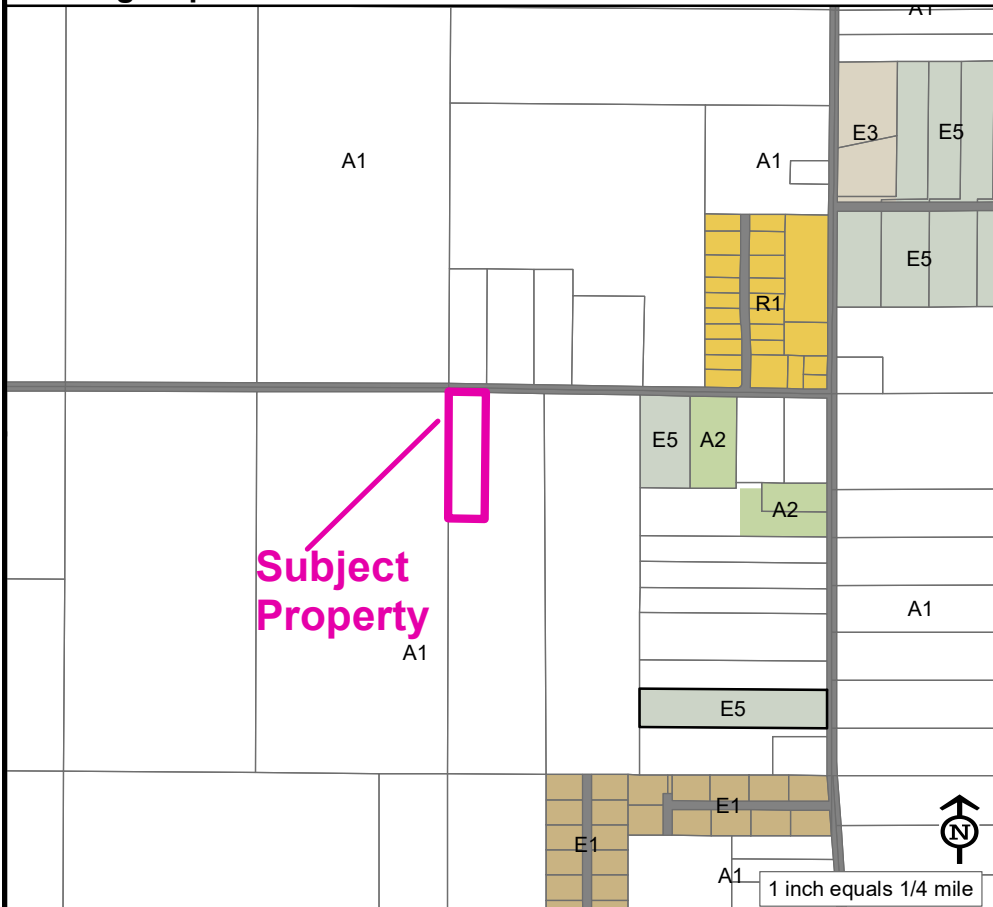
South: Agriculture

East: Agriculture

West: Agriculture & Single-Family Residential



## Zoning Map



### Current Zoning

A-1 Agriculture

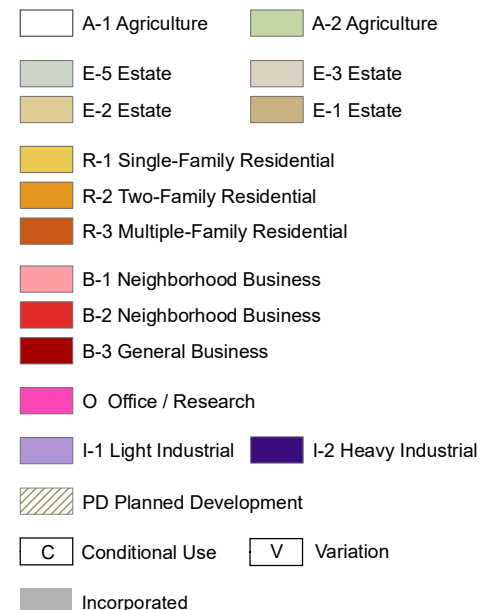
### Adjacent Zoning

North: A-1 Agriculture

South: A-1 Agriculture

East: A-1 Agriculture

West: A-1 Agriculture



# McHenry County 2030 Comprehensive Plan Future Land Use Map

## Future Land Use Map Designation

### Agricultural

Subject Property

-  Agricultural
  -  Open Space
  -  Environmentally Sensitive Area
  -  Estate
  -  Isolated Estate
  -  Residential
  -  Isolated Residential
  -  Retail
  -  Mixed Use
  -  Office, Research, Industrial
  -  Gov't, Institutional, Utilities
  -  TOD Existing Rail Station
  -  TOD Future Rail Station
  -  Active Earth Extraction Site
  -  Municipality
- Scale: 1 inch = 1/4 mile



## Municipal / Township Plan Designations

Marengo Township: A-1 Agriculture

## McHenry County 2030 Comprehensive Plan — Text Analysis Land Use

**AGRICULTURAL** – represents existing agricultural acres, including cropland, pastureland, farm yards, and farmsteads, that should remain in agricultural use through the 2030 planning horizon. Development in the Agricultural District should be strictly limited to agriculture, agricultural residences, and agricultural support uses. (p. 134)

### Sensitive Aquifer Recharge Areas

The site is NOT located in a zone with elevated contamination potential.

## Sensitive Aquifer Recharge Areas (SARA)

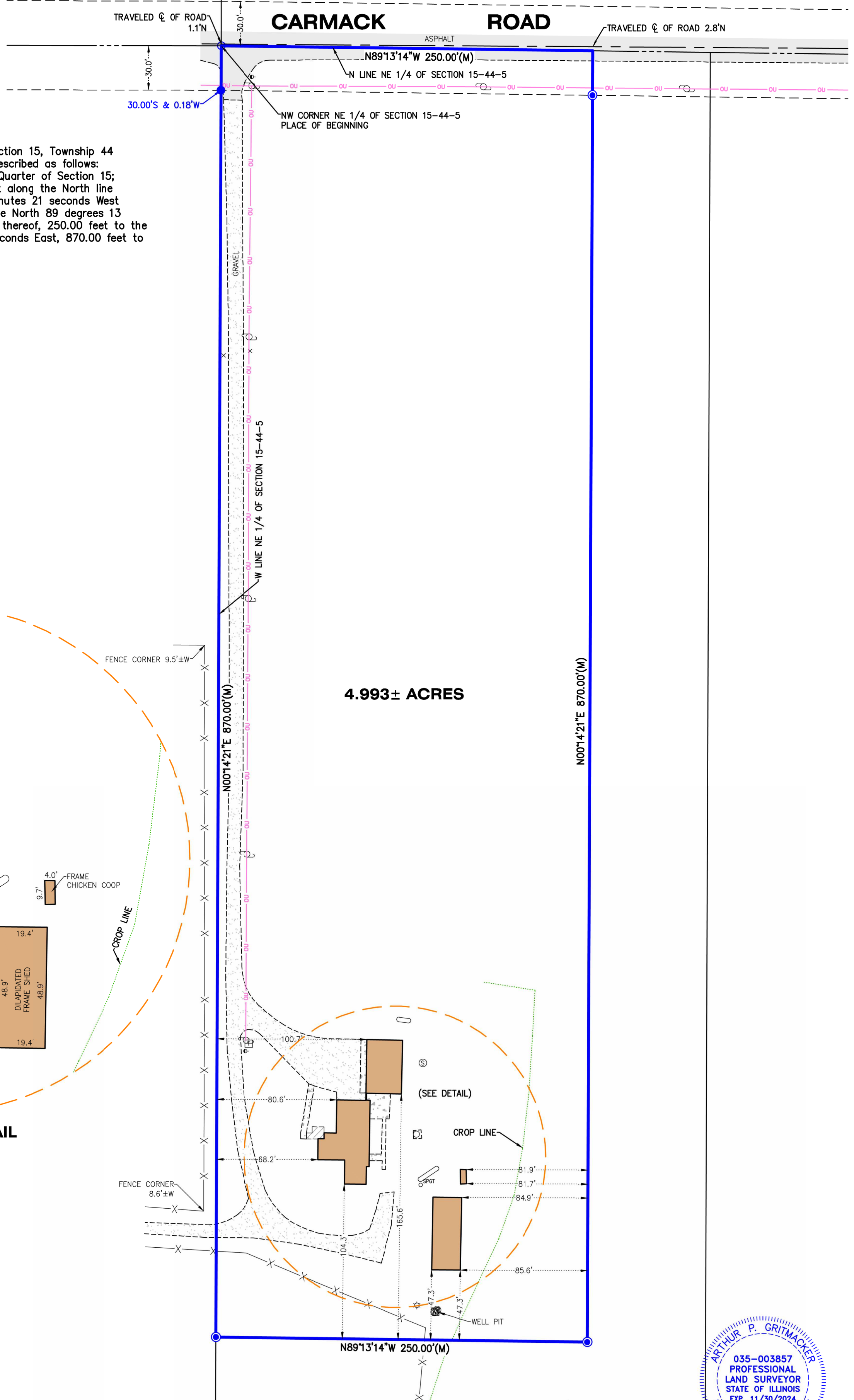


 Sensitive Recharge Area



**Vanderstappen**  
Land Surveying, Inc.  
www.vandersinc.com  
1316 N. Madison St.  
Woodstock, Illinois 60098  
ph. 815-337-8310 fax 815-337-8314  
"Always faithful to the property line"

# PLAT OF SURVEY



## LEGAL DESCRIPTION:

Part of the West half of the Northeast Quarter of Section 15, Township 44 North, Range 5 East of the Third Principal Meridian described as follows: Beginning at the Northwest corner of said Northeast Quarter of Section 15; thence South 89 degrees 13 minutes 14 seconds East along the North line thereof, 250.00 feet; thence South 00 degrees 14 minutes 21 seconds West parallel with the West line thereof, 870.00 feet; thence North 89 degrees 13 minutes 14 seconds West parallel with the North Line thereof, 250.00 feet to the West line; thence North 00 degrees 14 minutes 21 seconds East, 870.00 feet to the Place of Beginning, in McHenry County, Illinois.

4.993± ACRES

**BUILDING DETAIL**  
SCALE: 1"=30'

LEGEND	
•	DOWN GUY
●	FOUND IRON BAR
○	FOUND IRON PIPE
⊗	FOUND MAG NAIL
⊙	FOUND RR SPIKE
☆	LIGHT
⊙	SEPTIC LID
●	SET IRON BAR
○ SPGT	SPIGOT
□	TELEPHONE RISER
○	UTILITY POLE
●	WELL
(M)	MEASURE
(D)	DEED

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.

- \* No distance should be assumed by scaling.
- \* No underground improvements have been located unless shown and noted.
- \* No representation as to ownership, use, or possession should be hereon implied.
- \* This Survey and Plat of Survey are void without original embossed or colored seal and signature affixed.

Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.

STATE OF ILLINOIS )  
COUNTY OF McHENRY ) S.S.

In my professional opinion, and based on my observations, I hereby certify that we have surveyed the premises above described, and that the plat hereon is a true representation of the said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Dated at Woodstock, McHenry County, Illinois 10/23 A.D., 20 24.

Vanderstappen Land Surveying Inc.  
Design Firm No. 184-002792

By: Arthur P. Grtmacker  
Illinois Professional Land Surveyor No. 3857



CLIENT: ALLEN WEIDNER  
DRAWN BY: PJD CHECKED BY: APG  
SCALE: 1"=50' SEC. 15 T. 44 R. 05 E.  
BASIS OF BEARING: IL EAST ZONE NAD83 (2011)  
P.I.N.: 11-15-200-001  
JOB NO.: 240881 I.D. MBS  
FIELDWORK COMP.: 10/18/24 BK. PG.  
ALL DISTANCES SHOWN IN FEET AND DECIMAL REF:  
PARTS THEREOF CORRECTED TO 68° F.

IN THE MATTER OF THE APPLICATION OF  
**ALLEN WEIDNER, MARILYN WEIDNER,**  
**WARREN WEIDNER and KIMBERLEY WEIDNER,**  
OWNERS  
FOR AN AMENDMENT OF THE UNIFIED DEVELOPMENT  
ORDINANCE OF McHENRY COUNTY, ILLINOIS FOR  
**A RECLASSIFICATION**

)  
)  
) LEGAL NOTICE OF PUBLIC HEARING  
) Z25-0032  
)

Notice is hereby given in compliance with the McHenry County Unified Development Ordinance, that a public hearing will be held before the **McHenry County Zoning Board of Appeals**, in connection with this Ordinance, which would result in a **RECLASSIFICATION** for the following described real estate:

Part of the West half of the Northeast Quarter of Section 15, Township 44 North, Range 5 East of the Third Principal Meridian described as follows: Beginning at the Northwest corner of said Northeast Quarter of Section 15; thence South 89 degrees 13 minutes 14 seconds East along the North line thereof, 250.00 feet; thence South 00 degrees 14 minutes 21 seconds West parallel with the West line thereof, 870.00 feet; thence North 89 degrees 13 minutes 14 seconds West parallel with the North Line thereof, 250.00 feet to the West line; thence North 00 degrees 14 minutes 21 seconds East, 870.00 feet to the Place of Beginning, in McHenry County, Illinois.

***Part of PIN 11-15-200-001***

The subject property is located approximately two thousand three hundred ninety (2,390) feet west of the intersection of Hawthorn and Carmack Roads, ***with a common address of 22517 Carmack Rd, Illinois in Marengo Township.***

The subject property is presently zoned ***“A-1” Agriculture District*** and consists of approximately **4.993 acres** with ***“A-1” Agriculture District zoning to the North, East, South and West.***

The Applicants are requesting a <b>reclassification from “A-1” Agriculture District to “A-2” Agriculture District.</b>
--

Allen Weidner and Marilyn Weidner, Applicants and Owners of Record, can be reached at 22919 Carmack Road, Marengo, Illinois. Warren Weidner and Kimberly Weidner, Applicants and Owners of Record, can be reached at 910 Lyons Drive, Cary, Illinois.

A hearing on this Petition will be held on the 10<sup>th</sup> day of April 2025 at 1:30 P.M. in the County Board Conference Room at the McHenry County Government Center/Ware Road Administration Building 667 Ware Road, Woodstock, Illinois at which time and place any person desiring to be heard may be present. The McHenry County Government Center mailing address is 2200 N. Seminary Avenue, Woodstock, Illinois 60098.

DATED THIS 14<sup>TH</sup> DAY OF MARCH 2025.

By: Linnea Kooistra, Chair  
McHenry County Zoning Board of Appeals  
2200 N. Seminary Avenue  
Woodstock, IL 60098

***Petitions for all Zoning Board of Appeals hearings can be accessed at the following link: [www.mchenrycountyil.gov/county-government/new-meeting-portal](http://www.mchenrycountyil.gov/county-government/new-meeting-portal) and choosing the "Agenda" link for the specific meeting date.***

***Live audio streams of all Zoning Board of Appeals hearings can be accessed at the following link: [www.mchenrycountyil.gov/county-government/new-meeting-portal](http://www.mchenrycountyil.gov/county-government/new-meeting-portal) and choosing the "Video" link for the specific meeting date.***

Z25-0032

Project Name: Weidner, Allen and Warren Rezone

Project Description:

Applicant requests a rezone of a portion of the property as shown on the Survey from A-1 to A-2 to allow for the existing structures and 4.993 acres of land to be divided from the larger parcel in order to allow the Applicant to sell the A-2 portion for the continuance of residential use to a new owner. Applicant will retain the remaining portion of the property and continue to farm the A-1 lands.

Permit Type: MAP AMENDMENT

Site Address (Parcel) Owner Name: ALLEN M ET AL WEIDNER

Parcel Identification Number: part of 11-15-200-001

Site (Parcel) Address: 22517 CARMACK RD MARENGO, IL 60152

Number of Acres: 4.99

Site Address (Parcel) Owner Phone Number:

Site Address (Parcel) Owner Email Address:

Applicant Name (if other than owner): Green, Christina

Primary Contact: Green, Christina

Applicant Address: 114 N. Church St, Elkhorn, WI

Applicant Phone Number: 262-723-5480

Applicant Email Address: cgreen@wisclaw.com





**Approval Standards for Map Amendments**  
(McHenry County Unified Development Ordinance §16.20.010E.1)

This form must be completed for requests for rezoning. Yes and No answers are insufficient, please provide a minimum one or two sentence explanation.

1. Is the **proposed zoning designation** compatible with the existing uses and zoning designations of nearby properties?

The proposed zoning designation of the subject property from the A-1 Agricultural District to the A-2 Agricultural District is compatible with the existing use and zoning of nearby properties in that the proposed zoning designation will remain an agricultural district, and the owners will continue to farm the surrounding property. There are also several parcels in the general area of the subject property that are classified as A-2 Agricultural District. The A-2 Agricultural District is intended to permit single-family residences within agricultural portions of McHenry County. The requested reclassification would permit the owners to sell the subject property for use as a single-family residence within the agricultural portions of the County.

2. To what extent is the value of the subject property diminished by the **existing zoning designation**?

The property value of the subject property as part of the larger parcel is significantly diminished because the residence and outbuildings have minimal value to a farmland owner using the property for farmland. Additionally, the reclassification allows the applicant to sell the existing residence and outbuildings while continuing to farm the surrounding tillable land.

3. Is there a benefit to the health, safety, and welfare of the public under the **current zoning designation**?

There is no benefit to the health, safety, and welfare of the public under the current zoning designation. The portion of the property where the reclassification is requested currently contains a single-family residence, and after reclassification, this portion of the property would remain as a single-family residence. The balance of the property will continue to be farmed. Therefore, there is also no detriment to the public by the reclassification.

4. Is this property suitable for uses allowed under the **current zoning designation**?

The current A-1 designation is most suitable for the tillable farmland, whereas the A-2 designation would be more compatible for the area of the single-family residence and outbuildings as depicted on the subject reclassification, so it may be used as a single-family residence.

5. How long has the property been vacant under the **current zoning designation**?

The Property is not currently vacant. The residence has a tenant.

6. Is there a public need for the **proposed use** of the property?

There is a public need for residential uses. There is currently a shortage of residential housing in the real estate market. Therefore, there is a need for the subject property to be used as a single-family residence while preserving the surrounding farmland. The A-2 designation is designed to allow for single-family residential uses within the agricultural portions of McHenry County. This reclassification petition is requesting a rezone consistent with the intended purpose of the A-2 designation.

7. Is the **proposed use** consistent with the McHenry County 2030 and Beyond Comprehensive Plan? If not, please explain how the plan designation is inappropriate for this property?

The reclassification is consistent with the future land use designation of Agricultural since the A-2 district will allow the land to continue to be used for agricultural purposes as well as containing a single-family dwelling. The proposed reclassification will preserve the rural landscape and does not promote development in an area designated for agriculture in that the A-2 reclassification requires the land to contain existing buildings, which the subject property does have. The 2030 and Beyond Comprehensive Plan supports the reclassification to the A-2 Agriculture District. There is minimal impact to the agricultural, natural, and water resources on the site. The proposed reclassification to the A-2 Agricultural District is a mechanism to preserve agricultural lands in McHenry County. "Living with the land is the core belief of the rural lifestyle..." (*McHenry County 2030 Comprehensive Plan*, pg. 23) Reclassification to A-2 would preserve the essential aspects of rural character.

# McHENRY-LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT



1648 S. Eastwood Dr. Woodstock, Illinois 60098 (815) 338-0444 ext. 3 [www.mchenryswcd.org](http://www.mchenryswcd.org)

February 20, 2025

Christina Green  
Sweet & Maier, S.C.  
114 N. Church Street  
Elkhorn, WI 53121

Re: Parcel # 11-15-200-001  
Common Location: 22919 Carmack Road, Marengo, IL 60152  
NRI# L25-012-4673  
Zoning Change: A1 to A2

Dear Ms. Green:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for a Natural Resource Information Report on the Allen and Marilyn Weidner property as applied for in Report #L25-012-4673. Due to size of parcel being rezoned and no new construction on the site, the SWCD finds that impact to natural resources from the proposed use is minimal for the purposes of the NRI report. A full Natural Resource Information Report will not be necessary, but we would like to highlight a few resources on the property.

Office maps also indicate the presence of hydric soils in the northern area of the parcel (see attached Hydric Soil Locations Map). Our wetland inventory is for informational and planning purposes only. Any proposed drainage work, in wet areas, requires a certified wetland delineation. If drainage work is to occur, please contact the Army Corps of Engineers and McHenry County Department of Planning & Development for permit information.

This letter fulfills your requirement to notify the SWCD of land use changes as per the Illinois Compiled State Statutes, Chapter 70, Par. 405/1 et seq. Illinois Revised Statutes, Ch. 5, Par 106 et seq. and the McHenry County Stormwater Ordinance. If you have any questions concerning this letter, feel free to call our office.

Sincerely,

Ryan Bieber  
Urban Conservation Specialist

Cc: Kim Charlow, McHenry County Department of Planning and Development,  
[KBScharlow@mchenrycountyil.gov](mailto:KBScharlow@mchenrycountyil.gov)

## Hydric Soil Locations



0 55 110 220 330 440 Feet

2019 Aerial Photograph  
Produced By: McHenry-Lake County Soil & Water Conservation District



### Legend

 Hydric Soil

*Resources for the Future*