



McHenry County
Zoning Board of Appeals - Zoning Hearing
AGENDA

April 17, 2025, 1:30 PM
County Board Conference Room
Administration Building, 667 Ware Rd., Woodstock, IL 60098

Pages

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. NEW BUSINESS / PUBLIC HEARING**
 - 3.1 Z25-0037 PED Text Amndmt Bay View Beach on the Fox Overlay District 2
- 4. OLD BUSINESS**
- 5. PUBLIC COMMENT**

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

SUBJECT: Z25-0037 -- Unified Development Ordinance Text and Map Amendment

Background and Discussion:

The Bay View Beach on the Fox River Subdivision was recorded April 6, 1926, as Document No. 72554. This subdivision included areas labeled, "Lagoon", "Beach", etc. These areas do not have lot numbers nor is there any language on the plat establishing their use or ownership. Given that the County sued an HOA associated with the subdivision in the late 90's for failure to pay taxes, staff assumes that the property was owned and managed by an HOA in the past. In approximately 2009, it appears that the HOA sold these "common areas" to individuals. Since then, the individual owners have further parceled these properties and sold them to more individual owners. The individual owners have improved these parcels with piers. These improvements were completed without building permits.

The Department of Planning and Development Stormwater Division received a complaint from an area property owner, upset about people blocking West Beach Street to access their piers. Stoyan Kolev, Stormwater Engineer, responded to the complaint and made a site inspection. Upon seeing the numerous unpermitted improvements, he opened a violation case and notified the owners that they need to apply for building permits. Many owners have made such applications. As those applications made their way to the Planning Division for review, it was discovered that the platting of these parcels was most likely not legal rendering the parcels "unbuildable". The Planning Division is of the opinion that the newly created lagoon parcels which are directly across the street from improved lots under the same ownership may be improved as they constitute a legal zoning lot with the lot across the street. The Planning Division is of the opinion that the newly created lagoon parcels under separate ownership of an adjacent lot are not buildable in that they are of insufficient size as required by the zoning district.

This text amendment would establish a new overlay district with specific standards which would only apply to these lots, thus granting the unbuildable parcels and the improvements constructed upon them legal conforming status. The improvements could remain on the property, be expanded, and new improvements could be constructed.

Please see the attached "Exhibit A" which provides both the proposed text and graphic representation of the proposed overlay district.

Exhibit A

§ 16.52.010 PURPOSE.

Overlay zoning districts create special controls in certain areas of the County that have special characteristics or development issues. The intent of an overlay district is to provide common controls over areas that require a specific type of zoning control in addition to the regulations of the base zoning district.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 13.1; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O-201808-10-033, passed 8-21-2018)

§ 16.52.020 REGULATIONS OF THE BASE ZONING DISTRICT.

Unless modified by the overlay district regulations, the regulations of the base zoning district apply.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 13.2; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O-201808-10-033, passed 8-21-2018)

§ 16.52.050 BAY VIEW BEACH ON THE FOX RIVER SUBDIVISION OVERLAY DISTRICT.

A. Purpose. The Bay View Beach on the Fox River Subdivision Overlay District is intended to accommodate redevelopment and rehabilitation of accessory structures on specific nonconforming water-covered lots and parcels created prior to March 4, 2025.

B. Eligibility of Lots and Parcels.

1. For a lot or parcel to be eligible for the Bay View Beach on the Fox River Subdivision Overlay District supplemental standards, it must meet the following criteria:

a. The lot or parcel must be located within the Bay View Beach on the Fox River Subdivision Overlay District mapped area (see Appendix B)

b. The lot or parcel must have been recorded in the McHenry County Recorder's Office prior to March 4, 2025.

C. Bay View Beach on the Fox River Subdivision Overlay District Supplemental Standards. Bay View Beach on the Fox River Subdivision Overlay District supplemental standards are a set of allowances and flexibilities affecting standards for development.

1. Supplemental Standards for Accessory Structures.

a. Accessory structures which were constructed prior to March 4, 2025, may be replaced, altered, or rehabilitated so long as the new structure does not exceed the footprint, height, and setbacks of the existing accessory structure, when such development does not comply with Table 16.52-2: Bay View Beach on the Fox River Overlay District Bulk and Setback Regulations.

b. Accessory structures which do not meet §16.52.050.C.1.a requirements must comply with Table 16.52-2: Bay View Beach on the Fox River Overlay District Bulk and Setback Regulations.

2. Supplemental Standards for Accessory Structures. Structures may be rehabilitated, replaced, altered, or expanded so long as such development complies with Table 16.52-2: Bay View Beach on the Fox River Subdivision Overlay District Bulk and Setback Regulations.

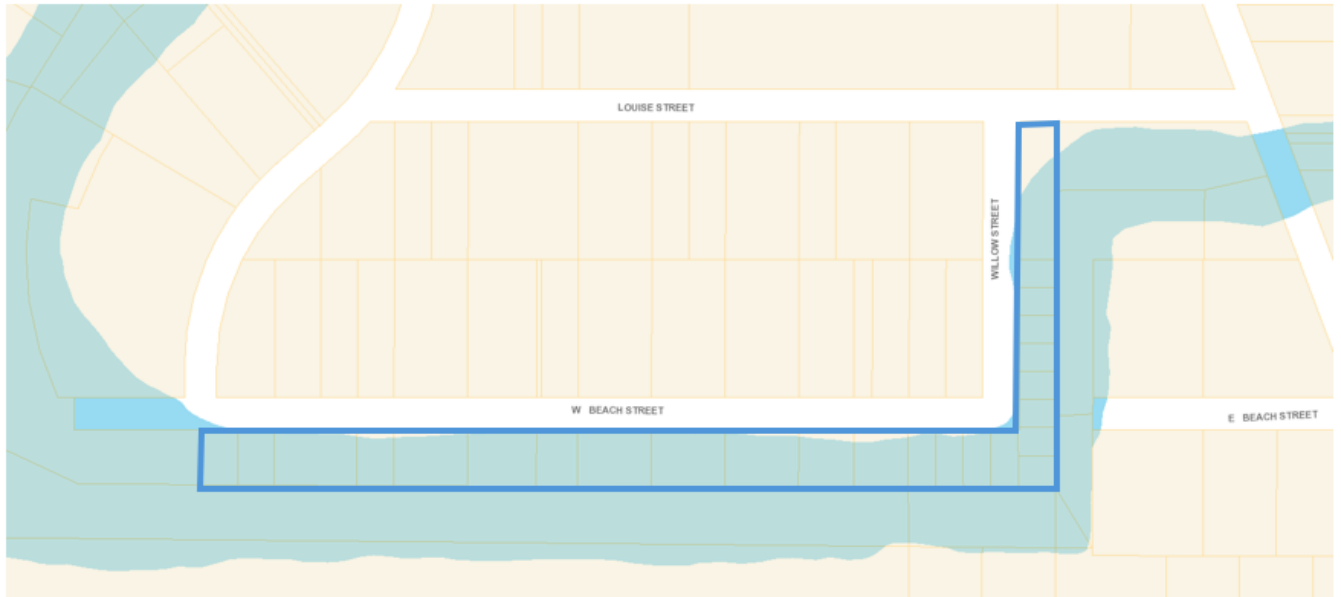
<u>Table 16.52-2: Bay View Beach on the Fox River Subdivision Overlay District Bulk and Setback Regulations</u>	
	<u>Accessory Structures</u>
<u>Maximum Building Height</u>	<u>35'</u>
<u>Maximum Building Coverage</u>	<u>50%</u>
<u>Maximum Impervious Surface Coverage</u>	<u>50%</u>
<u>Minimum Street Setback</u>	<u>5'</u>
<u>Minimum Interior Side Setback</u>	<u>5'</u>
<u>Minimum Waterfront Rear Setback¹</u>	<u>0'</u>
<u>Minimum Space Between Structures</u>	<u>5'</u>

APPENDIX B: OVERLAY DISTRICTS REFERENCE MAPS.

The following maps are provided for reference purposes only. Please refer to original documents to determine if the overlay district regulations apply.

- Mapping of the SARA Overlay District is established by the Sensitive Aquifer Recharge Area map.
- The Class III Overlay District consists of all areas designated as Class III Special Resources Groundwater Protection areas identified by the Illinois Pollution Control Board, and as may be amended from time to time.
- The Legacy Neighborhood (LN) Overlay District is identified by the included maps.
- The Bay View Beach on the Fox River Subdivision Overlay District is identified by the included map.

[Bay View Beach on the Fox River Subdivision Overlay District Map](#)



IN THE MATTER OF THE APPLICATION)
OF THE MCHENRY COUNTY BOARD PLANNING,)
ENVIRONMENT, AND DEVELOPMENT)
COMMITTEE FOR AMENDMENT TO THE TEXT)
OF THE MCHENRY COUNTY UNIFIED)
DEVELOPMENT ORDINANCE FOR THE)
PURPOSE OF MODIFYING REGULATIONS)
PERTAINING TO VARIOUS PROVISIONS.)

LEGAL NOTICE OF PUBLIC HEARING
Z25-0037

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 **text amendments**, as outlined in “Exhibit A,” which are available for review in the McHenry County Department of Planning and Development and on the County of McHenry’s Planning and Development website at <https://www.mchenrycountyil.gov/county-government/new-meeting-portal>.

The Planning, Environment, and Development Committee represents to the McHenry County Zoning Board of Appeals as follows:

1. §16.20.010B [Zoning Map and Text Amendment – Initiation] of the McHenry County Code of Ordinances (Title 16: McHenry County Unified Development Ordinance) authorizes the McHenry County Board Planning, Environment, and Development Committee to initiate requests to amend the text of the McHenry County Unified Development Ordinance.
2. The McHenry County Board Planning, Environment, and Development Committee requests amendment to various articles of the McHenry County Unified Development Ordinance.
3. The requested amendments are shown with proposed new text in underline font and proposed deleted text shown in ~~strikethrough font~~.

A *public hearing* on this Petition will be held on the **17th day of April 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 18TH DAY OF MARCH 2025.

Petitions for all Zoning Board of Appeals hearings can be accessed at the following link: 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 and choosing the “Video” link for the specific meeting date.