



MCHENRY COUNTY

ZONING BOARD OF APPEALS

AGENDA • JANUARY 30, 2020

Zoning Hearing

Conference Room B

1:30 PM

667 Ware Rd., Woodstock, IL 60098

I. AGENDA ITEMS

1. #2019-039 - Ieremciuc/Lyndale Assoc. Family Ltd. Prtnsp. - Nunda Twp - B2/R1-R1V

Reclassification from the B-2 Neighborhood Business District and R-1 Single Family Residential District to the R-1 Single Family Residential District, with a Variation to allow a minimum lot area of .412 acres instead of the minimum .5 acres required, and a Variation to allow a minimum lot frontage of 98.50 feet instead of the minimum 100 feet required.

AGENDA ITEM

#2019-039 - IEREMCIUC/LYNDALE ASSOC. FAMILY LTD. PRTNSP. - NUNDA TWP - B2/R1-R1V

Reclassification from the B-2 Neighborhood Business District and R-1 Single Family Residential District to the R-1 Single Family Residential District, with a Variation to allow a minimum lot area of .412 acres instead of the minimum .5 acres required, and a Variation to allow a minimum lot frontage of 98.50 feet instead of the minimum 100 feet required.

ATTACHMENTS:

- #2019-039 Notice (PDF)
- #2019-039 Site Plan (PDF)
- #2019-039 Application (PDF)
- Staff Report 2019-039 (PDF)

IN THE MATTER OF THE APPLICATION)
 OF **GEORGE IEREMCIUC**, FOR AN AMENDMENT OF) LEGAL NOTICE OF PUBLIC HEARING
 THE UNIFIED DEVELOPMENT ORDINANCE OF) #2019-039
 McHENRY COUNTY, ILLINOIS FOR A **RECLASSIFICATION**)
AND VARIATIONS)

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 and variations** for the following described real estate.

PARCEL 1: THAT PART OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 29, TOWNSHIP 44 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF JACOBY'S FOX RIVER SUBDIVISION AND RUNNING THENCE SOUTHERLY ALONG THE WEST LINE OF THE PLATTED ROAD EXTENDED SOUTHERLY 98.5 FEET; THENCE WEST TO THE EAST BANK OF THE FOX RIVER; THENCE NORTHERLY ALONG THE EAST BANK OF THE FOX RIVER TO THE SOUTHWEST CORNER OF LOT 1 AFORESAID; THENCE EAST ALONG THE SOUTH LINE OF LOT 1 TO THE PLACE OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS;

AND

PARCEL 2: THAT PART OF SAID LOT 1 DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE IN THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 150.0 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY 17.0 FEET TO A POINT 2 ½ FEET NORTH OF SAID SOUTH LINE OF SAID LOT 1; THENCE WEST PARALLEL WITH 2 ½ FEET NORTH OF SAID SOUTH LINE OF LOT 1, A DISTANCE OF 35.0 FEET MORE OR LESS, TO THE FOX RIVER (WEST LINE OF SAID LOT 1); THENCE SOUTH ALONG THE FOX RIVER TO THE SOUTH LINE OF SAID LOT 1; THENCE EAST TO THE PLACE OF BEGINNING, IN JACOBY'S FOX RIVER SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 44 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 21, 1920 AS DOCUMENT NO. 47953, IN BOOK 4 OF PLATS, PAGE 14, IN MCHENRY COUNTY, ILLINOIS.

PIN #15-29-352-035

The subject property is located **on the west side of Wildwood Drive, approximately 130 feet south of the intersection of Wildwood Drive and Area Street, with a common address of 5019 Wildwood Drive, McHenry, Illinois, in Nunda Township.**

The subject property is presently zoned **"B-2" Neighborhood Business District and "R-1" Single-Family Residential District (small portion)** and consists of approximately **.412 acres** with **"R-1" and "R-1C" zoning to the North, "R-1" zoning to the South and East, and the Fox River to the West.**

The Petitioner is requesting **reclassification of the subject property from "B-2" Neighborhood Business District and "R-1" Single-Family Residential District to "R-1" Single-Family Residential District, with a Variation to allow a minimum lot area of .412 acres instead of the minimum .5 acres required, and a Variation to allow a minimum lot frontage of 98.50 feet instead of the minimum 100 feet required.**

The partners of **Lyndale Associates Family Limited Partnership (Owner of Record)** are as follows:

George Ieremciuc, Limited Partner - 5113 Wildwood Drive, McHenry, Illinois.

Camelia Ieremciuc, Limited Partner - 5113 Wildwood Drive, McHenry, Illinois.

True North Properties, Inc., General Partner - 660 E. Liberty Street, #100, Wauconda, Illinois.

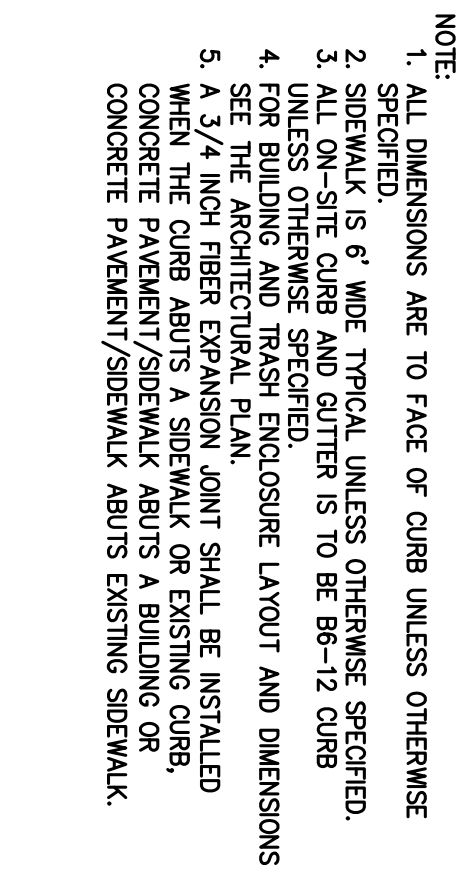
Attachment: #2019-039 Notice (8204 : #2019-039 - Ieremciuc/Lyndale Assoc. Family Ltd. Prtnsp. - Nunda Twp - B2/R1-R1V)

A hearing on this Petition will be held on the **30th day of January, 2020 at 1:30 P.M. in Conference Room B** at the McHenry County Government Center/Ware Rd. Administration Building, 2200 N. Seminary Avenue, Woodstock, Illinois at which time and place any person desiring to be heard may be present.

DATED THIS 10th DAY OF January, 2020.

By: Richard Kelly Jr., Chairman
McHenry County Zoning Board of Appeals
2200 N. Seminary Avenue
Woodstock, IL 60098

Attachment: #2019-039 Notice (8204 : #2019-039 - Ieremciuc/Lyndale Assoc. Family Ltd. Prtnsp. - Nunda Twp - B2/R1-R1V)



Sheet Number

CE-190021

Job Number

Date
10/18/2019

MJC

Designed By
MILC

1

CELTD
Caldwell Engineering, Ltd.
1316 North Madison Street, Woodstock, Illinois
(815) 502-5504 www.caldwellengineering.com

TRUE NORTH PROPERTIES INCORPORATED
5019 WILDWOOD DRIVE
MCHENRY, IL 60051

GEOMETRIC PLAN

[illegible]

MC HENRY COUNTY PLANNING A DEVELOPMENT
2200 N. SEMINARY AVENUE, WOODSTOCK, IL 60098
815-334-4560

Office Use Only

1.1.c

Petition #/Permit #

2019-039

APPLICATION FOR ZONING PETITION, ADMINISTRATIVE VARIATION OR SITE PLAN REVIEW

OWNER INFORMATION:

Name George Ieremciuc

Address 660 E. Liberty St. #100

City, St, Zip Wauconda, IL 60084

Daytime Phone (847) 909-3838

Email tnpi@comcast.net

ATTORNEY or AGENT CONTACT INFORMATION (If Applicable):

Name _____

Address _____

City, St, Zip _____

Phone _____

Email _____

PETITIONER (If other than owner):

Name _____

Address _____

City, St, Zip _____

Daytime Phone _____

Email _____

TRUSTEE/BENEFICIARY/OFFICERS/DIRECTORS/CONTRACT PURCHASER (please use separate page for additional information):

Name _____

Address _____

City, St, Zip _____

Phone _____

Email _____

PARCEL INFORMATION:

Address 5019 Wildwood Drive

City McHenry Zip 60051

Parcel/Tax Number 15-29-352-035

Number of Acres .412 Acres

Applying For:

(Check all that apply)

☒ Reclassification

☐ Conditional Use & Site Plan Review

☐ Variation, Administrative

☒ Variation, Zoning

☐ Site Plan Review

Current Zoning: B-2

Requested Zoning: R-1

CUP Request:

Variation Request: Reduction of Lot Frontage
Reduction of Minimum Lot Area

Please provide additional information on the back of this page.

NARRATIVE: Please use this space to explain your request in detail.

Reclassification Request:

The property is currently zoned B-2. The site is currently unused. The Petitioner would like to rezone the parcel to allow the construction of a single-family dwelling. The requested zoning of R-1 will allow the property to match the adjacent zoning.

Zoning Variation Request:

Per the Zoning Reclassification, the Petitioner would like a reduction in the Minimum Lot Frontage and a reduction in the Minimum Lot Area setback requirements for the R-1 Zoning District. The R-1 Zoning District has a Minimum Lot Frontage setback requirement of 100' and a Minimum Lot Area requirement of .5 Acre. The petitioner's property has a Lot Frontage of 98.5' and a Lot Area of .412 Acre. The adjacent north R-1 parcel has a Lot Frontage of 50' and a Lot Area of .23 Acre. The adjacent south R-1 parcel has a Lot Frontage of 51' and a Lot Area of .22 Acre. This parcel would fit with the characteristics of the adjacent parcels.

CONSENT

I/We hereby authorize that the aforementioned petitioner, attorney, and agent may act and testify on my behalf as my agent in the matter of this zoning application regarding the property listed above that is the subject of this application.

VERIFICATION

I/We hereby verify and attest to the truth and correctness of all facts, statements and information presented herein.

Owner's Signature

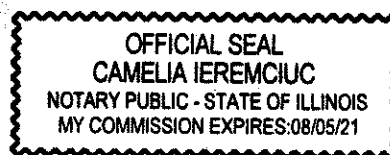
George Ieremciuc
Print Name

Signature

Print Name

SUBSCRIBED and SWORN to before me
this 15 day of November, 2019.

Camelia Ieremciuc
NOTARY PUBLIC



Staff Report for the McHenry County Zoning Board of Appeals

Petition: # 2019-039

PIN: PIN #15-29-352-035

Address: 5019 Wildwood Drive, McHenry, Illinois.

Location: The property consists of approximately .412 acres and is located on the west side of Wildwood Drive, approximately 130 feet south of the intersection of Wildwood Drive and Area Street, in Nunda Township.

Hearing: January 30, 2020

Applicant: George Ieremciuc, Petitioner; Lyndale Associates Family Limited Partnership, Owner of Record; George Ieremciuc and Camelia Ieremciuc, Limited Partners, and True North Properties, Inc., General Partner

Request: Reclassification from the B-2 Neighborhood Business District and R-1 Single Family Residential District to the R-1 Single-Family Residential District with Variations to allow a minimum lot area of .412 acres instead of the minimum .5 acres required, and to allow a minimum lot frontage of 98.50 feet instead of the minimum 100 feet required.

Aerial Map



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 25 12.5 0 25 50
1 inch equals 50 feet

Attachment: Staff Report 2019-039 (8204 : #2019-039 - Ieremciuc/Lyndale Assoc. Family Ltd. Prtnsp. - Nunda Twp - B2/R1-R1V)

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 petitioner is requesting a map amendment from the B-2 Neighborhood Business District and the R-1 Single-Family Residential District to the R-1 Single-Family Residential District on a .412-acre tract of land, as well as Variations to allow a minimum lot area of .412 acres instead of the minimum .5 acres required, and to allow a minimum lot frontage of 98.50 feet instead of the minimum 100 feet required. The subject property is primarily zoned B-2 with a small remnant of R-1 in the far northwest corner of the property. According to the plat of survey, the subject property contains a one-story frame building (previously used for commercial), part of a deck, approximately 2,300 square feet of concrete and 1,100 square feet of asphalt. A site plan provided by the applicant depicts a potential future residence and driveway. While this site plan is not binding for this petition, it is illustrative of the potential development capacity of the site. The petitioner did not create the subject parcel, and it has remained in its current configuration for many years.

MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE

- The Petitioner must meet the Approval Standards for Map Amendment, listed in §16.20.010.E.1 of the *McHenry County Unified Development Ordinance*.
- The Petitioner must meet the Approval Standards for Variation, listed in §16.20.020.F of the *McHenry County Unified Development Ordinance*.

STAFF ANALYSIS

Current Land Use & Zoning

The proposed reclassification is consistent with the surrounding R-1 Single-Family Residential-zoned, residential-use properties.

2030 Comprehensive Plan Future Land Use map

The proposed reclassification is not consistent with the Future Land Use map, which designates the property as Environmentally Sensitive Area. The adoption of the 2030 Plan is the first time this designation has appeared for this property, which had previous commercial development on site. Nunda Township designates the future land use as Existing Development. The Village of Island Lake Future Land Use map designates the subject area as Existing Land Uses. The Villages of Cary, Oakwood Hills, Port Barrington and Prairie Grove all have no future land use designation for this property.

2030 Comprehensive Plan & 2030 and Beyond Analysis

The 2030 Comprehensive Plan and 2030 and Beyond support the reclassification to the R-1 Single-Family Residential District. There is minimal impact to the 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 focusing development that is compact, contiguous to, or located within municipalities, in order to preserve rural landscapes while providing greater mobility choice for all residents." (p.12)

- This reclassification which will allow residential infill development supports the goal to promote development that is compact and contiguous to municipalities.

Big Idea #2 Let's build on our strengths

No applicable text.

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)

- See Big Idea #1 above.

Big Idea #4 Let's expand our economy

Reclassification of the property from B-2 Neighborhood Business District to R-1 Single-Family Residential District eliminates the opportunity for a commercial use on the property. However, given the location, surrounding land use, and environmental constraints, the property is not well suited for commercial use.

(continued)

Community Character & Housing

Reclassification of the property from B-2 Neighborhood Business District to R-1 Single-Family Residential District expands the opportunity to provide an additional housing unit in a well-established residential neighborhood.

Agricultural Resources

No applicable text.

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 and it indicated that a full report would not be necessary. Please see NRI L19-055-4258 for more information. County policy recommends, but does not require, an EcoCat for this petition. The petitioner did not submit any EcoCat or IDNR materials.

Water Resources

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

- According to the Sensitive Aquifer Recharge Area Map, the site is located within a zone with elevated contamination potential. The NRI letter notes that FEMA Flood Insurance Rate Map Panel 17111C0239J indicates the entire parcel is within Zone AE, 100-year floodplain with a base elevation of 738 feet. Additionally, approximately .29 acres of the westerly portion of the parcel is mapped within the Floodway. The petitioner has provided Planning and Development with a Letter of Map Revision from FEMA, removing a portion of the property from the Floodway. Future Development of the property will be required to comply with McHenry County and FEMA floodplain regulations.

Economic Development

No applicable text.

Infrastructure

No applicable text.

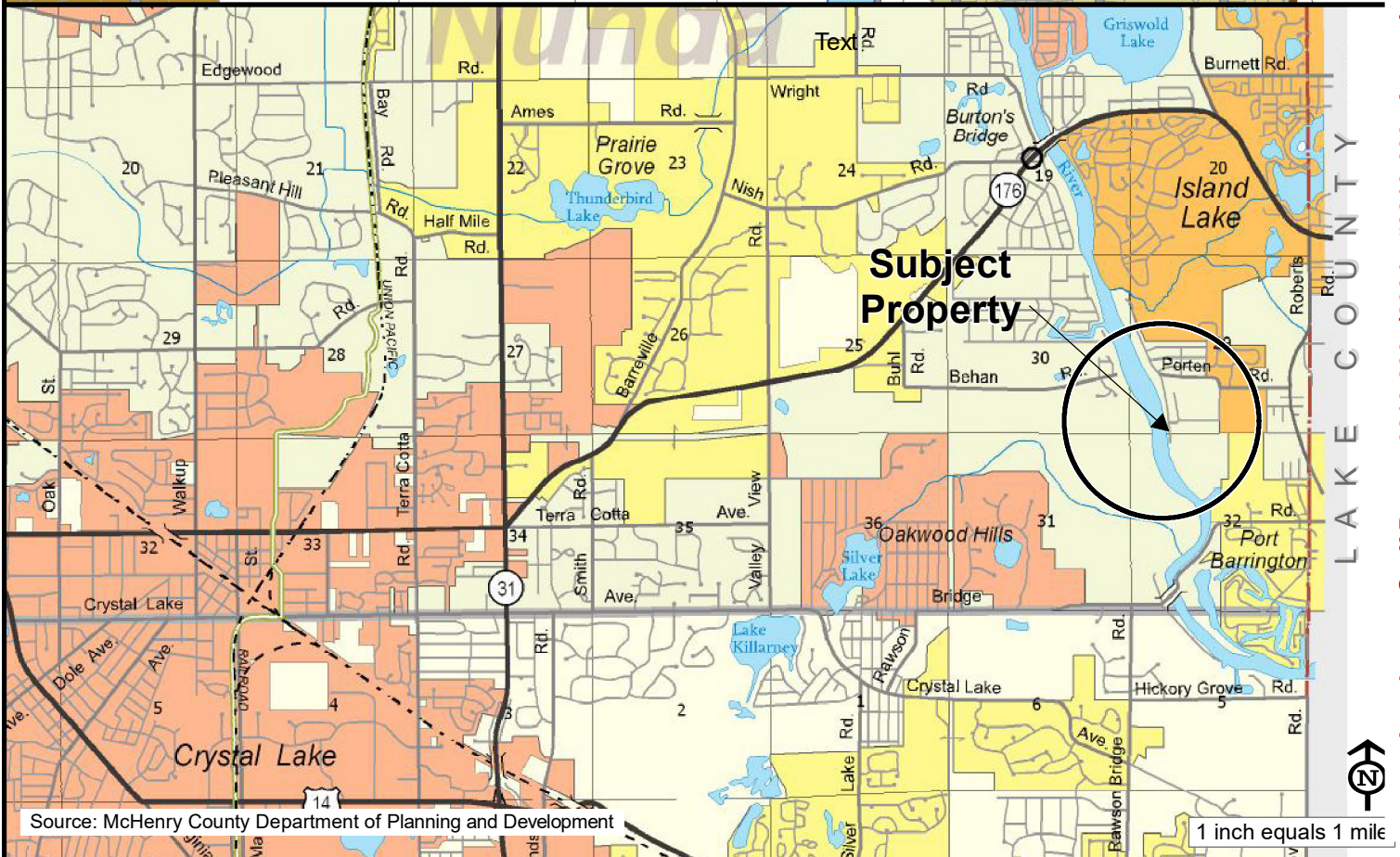
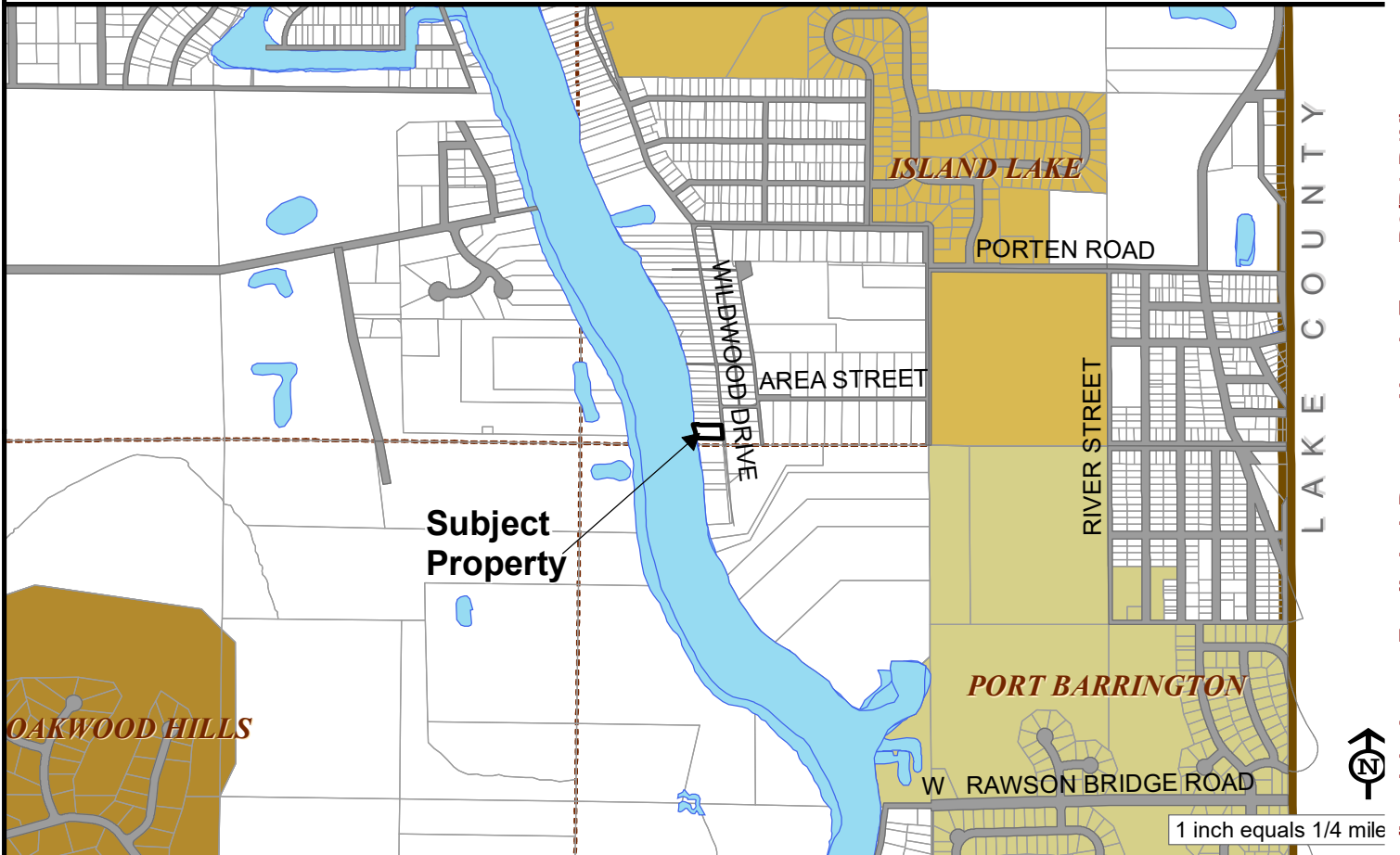
STAFF ASSESSMENT

The petitioner is requesting a map amendment from the B-2 Neighborhood Business District and the R-1 Single-Family Residential District to the R-1 Single-Family Residential District on a .412-acre tract of land. The request is consistent with the existing residential land uses and zoning of the surrounding area and eliminates the potential for incompatible commercial uses. The request is consistent with many recommendations provided in the 2030 and Beyond Plan and the 2030 Comprehensive Plan text. The reclassification is not consistent with the future land use map designation for Environmentally Sensitive Area. However, the existing B-2 Neighborhood Business District zoning is also inconsistent with the future land use map. The site is located within a sensitive aquifer recharge area. The petitioner did not create the parcel in question, and it has remained in its current configuration for many years. The parcel is comparable in size, if not larger than the majority of other residential-zoned lots in the area. The request appears to meet the Approval Standards for Map Amendments listed in §16.20.010.E.1 as well as the Approval Standards for Variation in §16.20.020.F of the *Unified Development Ordinance*. Staff has no objections to the petitioner's request and recommends approval.

Location Map

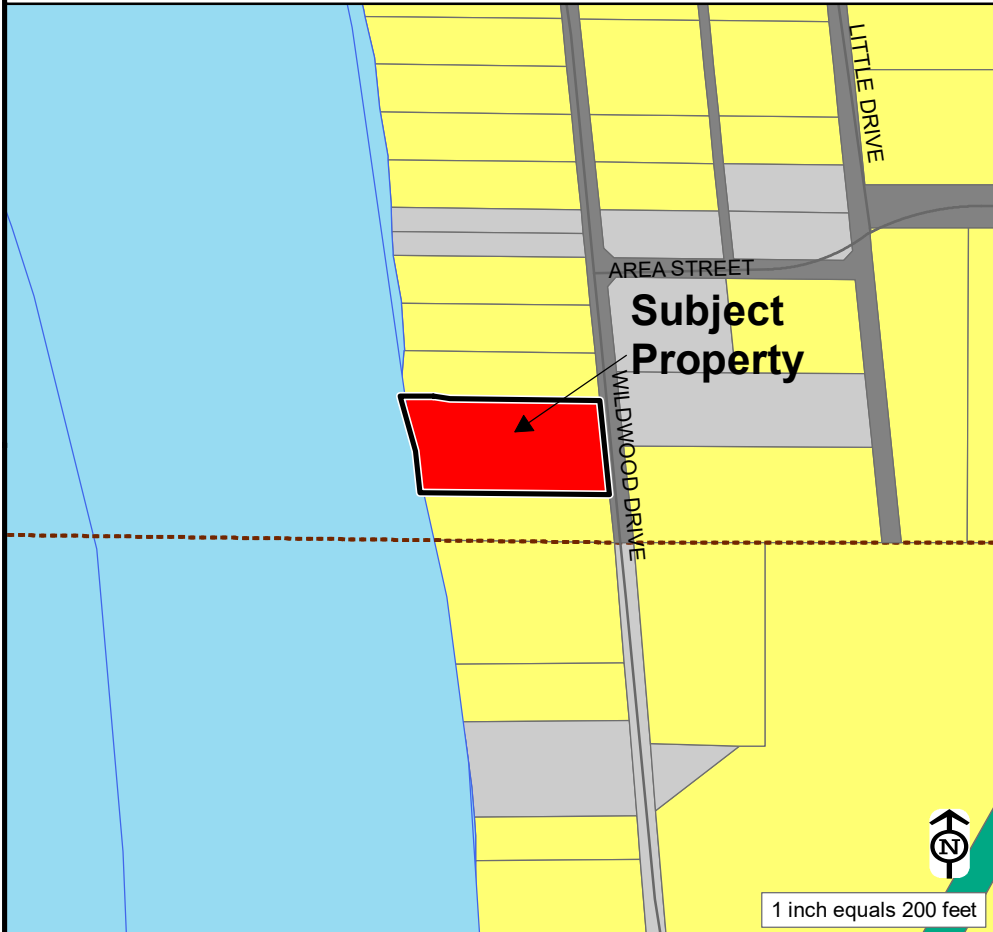
5019 Wildwood Drive, McHenry, Illinois

Nunda Township



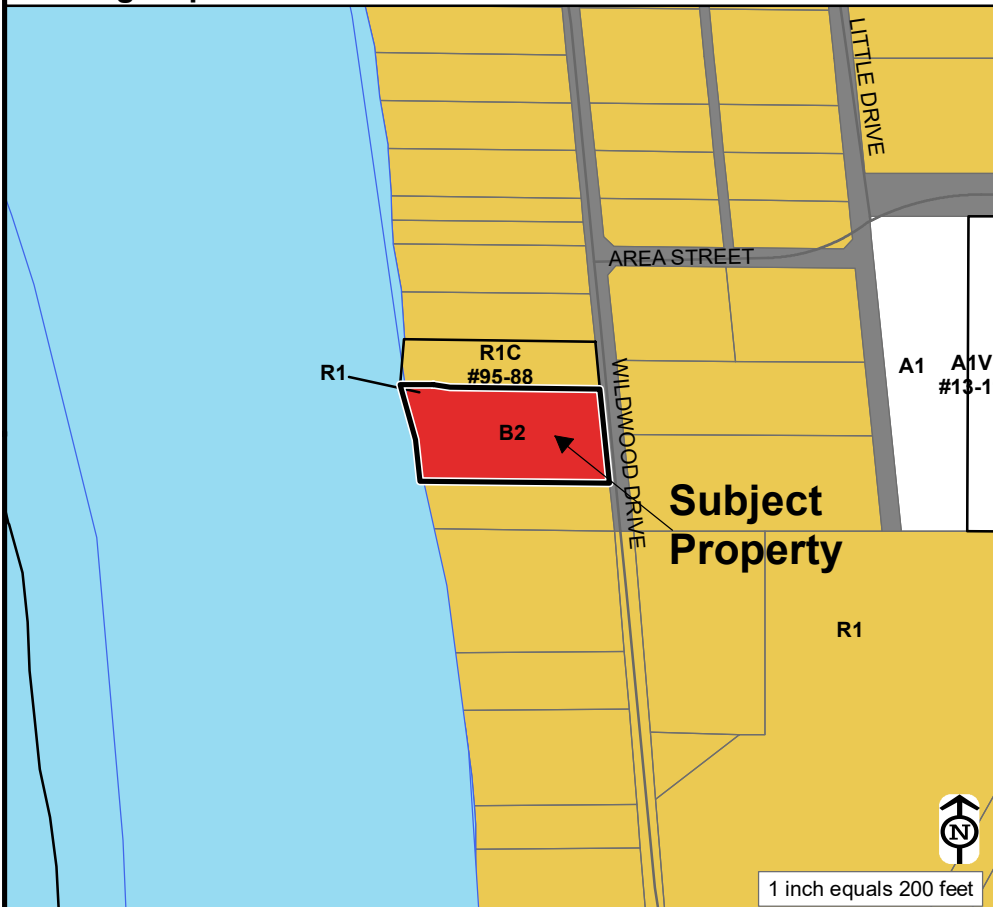
Source: McHenry County Department of Planning and Development

Attachment: Staff Report 2019-039 (8204 : #2019-039 - leremciuc/Lyndale Assoc. Family Ltd. Prtnsp. - Nunda Twp - B2/R1-R1V)

Current Land Use Map**Current Land Use***Commercial***Adjacent Land Use(s)**

North: *Single-Family Residential*
 South: *Single-Family Residential*
 East: *Single-Family Residential and Vacant*
 West: *Fox River*

- Agriculture
- MCCD Agriculture
- Single-Family Residential
- Multi-Family Residential
- Open Space
- Golf Course
- Commercial
- Office
- Industrial
- Mixed Use
- Earth Extraction
- Vacant
- Government / Institutional
- Transportation, Communication, Utility
- Under Review

Zoning Map**Current Zoning****B-2 Neighborhood Business and R-1 Single-Family Residential Adjacent Zoning**

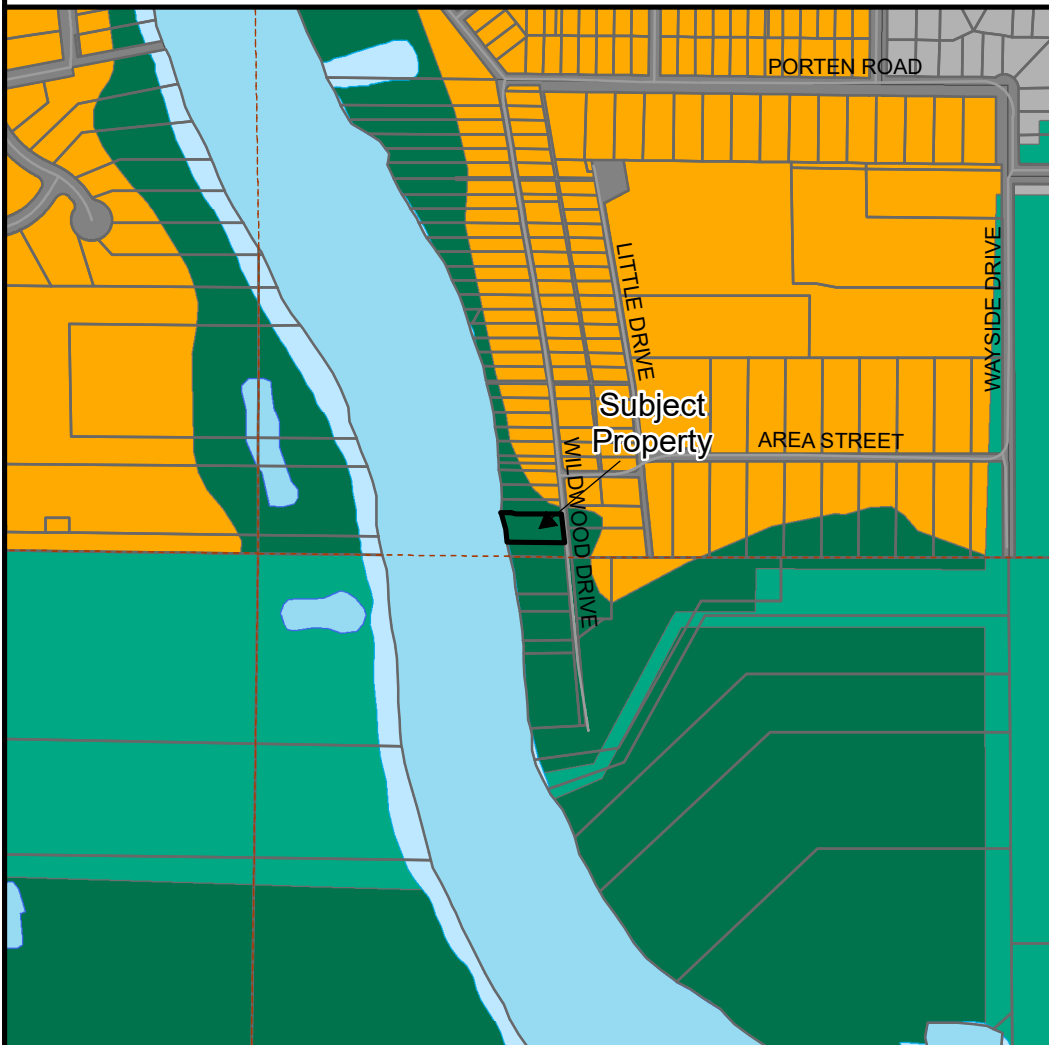
North: R-1 Single-Family Residential
 South: R-1 Single-Family Residential
 East: R-1 Single-Family Residential
 West: Fox River

- | | |
|---|--|
| A-1 Agriculture | A-2 Agriculture |
| E-5 Estate | E-3 Estate |
| E-2 Estate | E-1 Estate |
| R-1 Single-Family Residential | |
| R-2 Two-Family Residential | |
| R-3 Multiple-Family Residential | |
| B-1 Neighborhood Business | |
| B-2 Liquor Business | |
| B-3 General Business | |
| O Office / Research | |
| I-1 Light Industrial | I-2 Heavy Industrial |
| PD Planned Development | |
| C Conditional Use | V Variation |
| Incorporated | |

McHenry County 2030 Comprehensive Plan Future Land Use Map

Future Land Use Map Designation

Environmentally Sensitive



- 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 = 1/2 mile

Municipal / Township Plan Designations

Nunda Township: EXISTING DEVELOPMENT

Cary: No Land Use Designation

Island Lake: EXISTING LAND USES

Oakwood Hills: No Land Use Designation

Port Barrington: No Land Use Designation

Prairie Grove: No Land Use Designation

McHenry County 2030 Comprehensive Plan — Text Analysis

Land Use

Environmentally Sensitive.

Sensitive Aquifer Recharge Areas

The site is located in a zone with elevated contamination potential.

Sensitive Aquifer Recharge Areas (SARA)



Sensitive Recharge Area

McHENRY-LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT



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

November 22, 2019

Michael Caldwell
1316 North Madison St.
Woodstock, IL 60098

Re: Parcel # 15-29-352-035
Common Location: 5019 S. Wildwood Dr., McHenry, IL
NRI# L19-055-4258
Zoning Change: B-2 to R-1

Dear Mr. Caldwell:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for Natural Resource Information Report on the George Ieremciuc, property as applied for in Report #19-055-4258. Due to the amount of previously disturbed soils 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.

The FEMA Flood Insurance Rate Map Panel 17111C0239J indicates the entire parcel is within Zone AE, 100-year floodplain with a base elevation of 738 feet. Additionally, approximately 0.29 acres of the westerly portion of the parcel is within the Floodway (see attached map). Since it was indicated that the petitioner would like to create a residence on the parcel it is recommended that early coordination with the McHenry County Department of Planning & Development occur as additional permitting or restrictions will most likely be required.

Although office maps indicate no wetlands on your parcel, your parcel is directly adjacent to a Federally Regulated Water. 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,

Spring M. Duffey
Resource Analyst

cc. Kim Scharlow, McHenry County Dept. of Planning and Development (email)



Resources for the Future

[illegible]

BOARD OF APPEALS

Attachment: Staff Report 2019-039 (8204 : #2019-039 - Ieremciuc/Lyndale Assoc. Family Ltd. Prtnsp. - Nunda Twp - B2/R1-R1V)

CELT
Caldwell Engineering, Ltd.
114 North Main Street, Weymouth, Dorset
(01303) 900-0504 www.caldwellengineering.com

Checked by MJC	Date 10/18/2019	Job Number CE-190021	Sheet Number C3
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1.1.d

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"

That part of the Southwest fractional Quarter of Section 29, Township 36 North, Range 9 East, Third Principal Meridian, described as follows: Beginning at the Southeast corner of Lot 1 of Jacob's Fox Ranch, Subdivision and running thence Southerly along the West line of the Fox River, thence Southerly 85.5 feet; thence West to the East bank of the Fox River; thence Northerly along the East bank of the Fox River to the Southwest corner of Lot 1 aforesaid; thence East along the South line of Lot 1 to the Place of Beginning, in McHenry county, Illinois.

That part of said Lot 1 described as follows: Beginning at an iron pin placed at the South line of said Lot 1 a distance of 150.0 feet West of the Southeast corner of said Lot 1; thence Northwestly 17.0 feet to a point 2 1/2 feet North of said South line of said Lot 1; thence West a parallel with 2 1/2 feet North of said South line of Lot 1 a distance of 135.0 feet (more or less) to the Fox River; the South line of said Lot 1; thence East to the Place of Beginning, in Jacoby's Fox River Subdivision of the Southwest Quarter of Section 28, Township 44 North, Range 9 East of the Third Principal Meridian, according to the Plat thereof recorded June 21, 1920 as Document No. 47953, in Book 4 of Plats, Case No. 14, in Wernery County, Illinois.

JAN 6 2020
ZONING BOARD



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

By: Wm. L. Wardlaw, Jr.
Illinois Professional Land Surveyor No. 2709

FIELDWORK COMP.: 5/22/19 BK. PG.

Attachment: Staff Report 2019-039 (8204 : #2019-039 - Ileremciuc/Lyndale Assoc. Family Ltd. Prtnsp. - Nunda Twp - B2/R1-R1V)