

IN THE MATTER OF THE APPLICATION
OF **KYLE MACK** FOR A VARIATION OF THE
UNIFIED DEVELOPMENT ORDINANCE OF
McHENRY COUNTY, ILLINOIS

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#2022-049

WHEREAS, your petitioner **KYLE MACK** has filed a petition with the McHenry County Hearing Officer, requesting a **variation** as it relates to the McHenry County Unified Development Ordinance and to the real property more fully described as:

LOT 8 IN HI-POINT 31, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 44 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1969 AS DOCUMENT NO. 513184, IN MCHENRY COUNTY, ILLINOIS.

PIN # 14-10-402-001

More commonly known as **1620 S. Schroeder Lane, McHenry, Illinois.**

WHEREAS, the Petition requests no reclassification of the subject property from its present classification which is **"I-1" Light Industrial District; but Variations be granted to the property to allow 1) accessory outdoor storage to be located in the effective street yard, and 2) a waiver of the minimum six (6) foot high screening as outlined in the section 16.56.050.K.2 of the McHenry County Unified Development Ordinance.**

WHEREAS, the subject property consists of approximately **.99 acres** in which no reclassification is contemplated.

WHEREAS, a hearing on said petition was held before the Hearing Officer of McHenry County in the manner and the form as prescribed by the Ordinance and Statute; and

WHEREAS, as a result of said hearing, the taking of evidence, and the viewing of exhibits advanced thereat, the Hearing Officer of McHenry County **did recommend the granting of a variation to allow 1) accessory outdoor storage to be located in the effective street yard, and 2) a waiver of the minimum six (6) foot high screening as outlined in the section 16.56.050.K.2 of the McHenry County Unified Development Ordinance.**

WHEREAS, the McHenry County Board has considered the recommendation as submitted by the Hearing Officer of McHenry County.

WHEREAS, the McHenry County Board has determined that the standards for a variation as set forth in the McHenry County Unified Development Ordinance and the Illinois Compiled Statutes have been met.

NOW, THEREFORE BE IT ORDAINED, that the Unified Development Ordinance and the Zoning Maps of McHenry County and such Ordinances and such maps as amended, be and the same are hereby amended to allow **1) accessory outdoor storage to be located in the effective street yard,**

and 2) a waiver of the minimum six (6) foot high screening as outlined in the section 16.56.050.K.2 of the McHenry County Unified Development Ordinance.

This Ordinance shall be in full force and effect from and after its passage as by law provided.

DATED this _____ day of _____, 20_____.

Chairperson, McHenry County Board
McHenry County, Illinois

ATTEST:

County Clerk

NUMBER VOTING AYE: _____

NUMBER VOTING NAY: _____

NUMBER ABSTAINING: _____

NUMBER ABSENT: _____

Nunda Township
PLAN REVIEW REPORT
VARIATION REQUEST APPLICATION #2022-049

Hearing Date: January 10, 2023

Applicant: Kyle Mack (*Kaymack LLC, Owner of Record; Kyle Mack and Candace Mack, Managers*)

Request: **Variations** within the **I-1 Light Industrial District** to allow 1) accessory outdoor storage to be located in the effective street yard, and 2) a waiver of the minimum six (6)-foot high screening as outlined in §16.56.050.K.2 of the McHenry County Unified Development Ordinance. (*Unified Development Ordinance §16.56.050.K.2*)

Location: The subject property consists of approximately 0.99 acres and is located at the southeast corner of the intersection of Schroeder Lane and Hi Point Road.
Common address: 1620 S. Schroeder Lane, McHenry Illinois, in Nunda Township. PIN: 14-10-402-001

Current Land Use: The property is designated **Industrial** on the Current Land Use map.

Adjacent Land Use: North: *INDUSTRIAL* East: *INDUSTRIAL*
South: *INDUSTRIAL* West: *INDUSTRIAL*

Current Zoning: The property is currently zoned **I-1 Light Industrial District**.

Adjacent Zoning: North: I-1 Light Industrial & City of McHenry East: I-1V Light Industrial
South: I-1 Light Industrial West: I-1 Light Industrial & City of McHenry

2030 Plan: The property is designated **Office, Research, Industrial** on the *McHenry County Land Use Plan Map*.

Municipal Plans within 1.5 miles: McHenry: Industrial Prairie Grove: No Designation

Improvements: The subject property contains a metal-clad & brick commercial building, and an asphalt driveway and parking area, according to the plat of survey.

Natural Resources: No wetlands are found on the subject property. Due to the amount of previously disturbed soils on the site, impact to natural resources from the proposed use is minimal, according to Natural Resources Inventory (NRI) Letter L22-070-4461.

Flood Hazard Areas: No Flood Hazard Areas are found on the subject property.

Flood-of-Record: No Floods of Record are found on the subject property.

SARA: The site IS NOT located in a zone with elevated aquifer contamination potential, according to the McHenry County Sensitive Aquifer Recharge Area (SARA) map.

Comments/ Conclusion:

- No zoning violations are currently open on the subject property.
- The structure on the subject property was constructed in 1981 and expanded in 2002.
- The granting of this variation will make it possible for the applicant to utilize the property for outdoor storage, accessory to their equipment rental business.
- The petitioner should be aware that under **Section 16.20.020 (F)** of the **McHenry County Unified Development Ordinance**, several standards are cited, all of which must be met in order for a Variation to be granted. These standards include hardship in relation to the site conditions, that the request is unique to the property, that the purpose of the request is not based on any monetary gain, that the petitioners did not cause or create the hardship, that the request is not detrimental to the public welfare and safety, that the request will not impair adequate light and air to adjacent property, or increase congestion in the public streets, or increase danger of fire, and that the request not confer any special privilege to the applicant that is denied to others of the same zoning district.
- An Illinois Department of Natural Resources (IDNR) report was not required for this project.
- The applicant is proposing large landscaping stones to enclose the storage area, in lieu of the traditional fence or vegetative screening required. Staff has no objections to the request but recommends considering the addition of vegetative screening materials in addition to the landscaping stones.

Aerial Photo

1620 S. Schroeder Lane, McHenry, Illinois

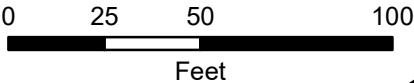


Photo: 2021

Any parcel lines depicted on the aerial photograph are for general reference only. Please refer to the plat of survey for the location of lot or parcel lines.

Elevation (feet above sea level)

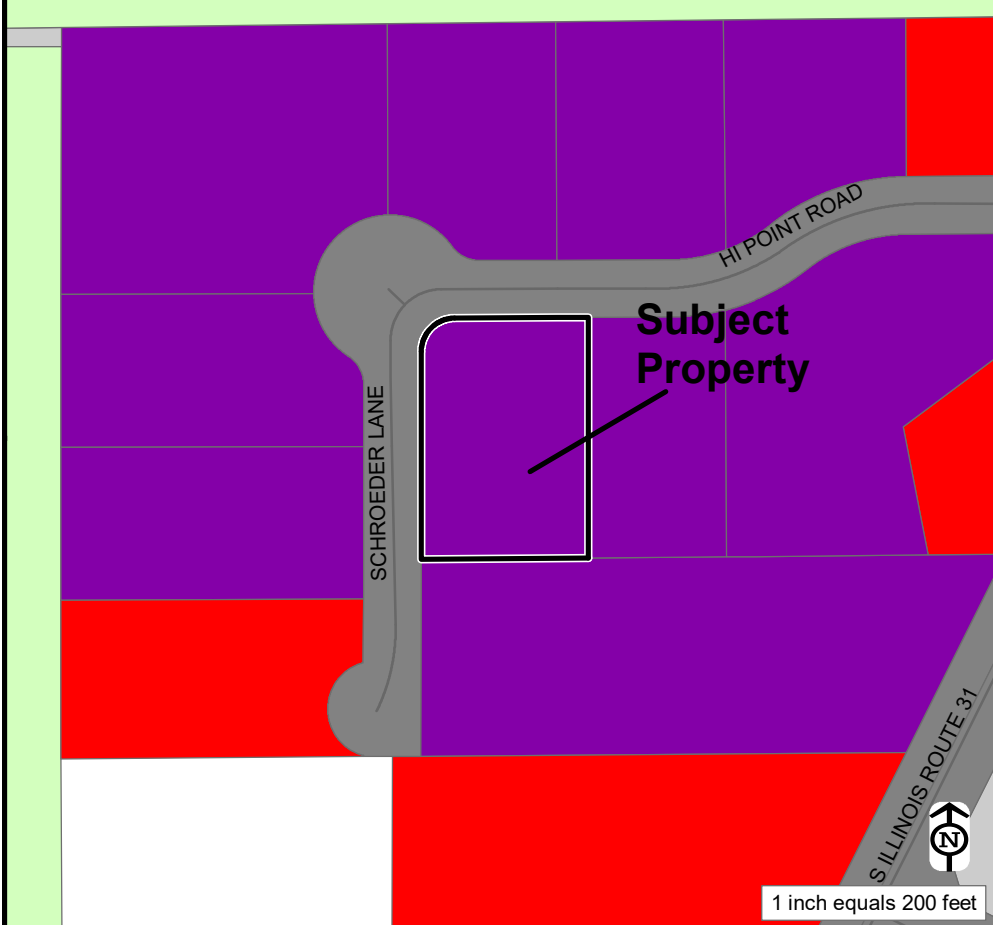
- 10-foot contours
- 2-foot contours



Prepared by the McHenry County
Department of Planning and Development



Current Land Use Map



Current Land Use

Industrial

Land Use Adjacent to the PIQ

North: *Industrial*

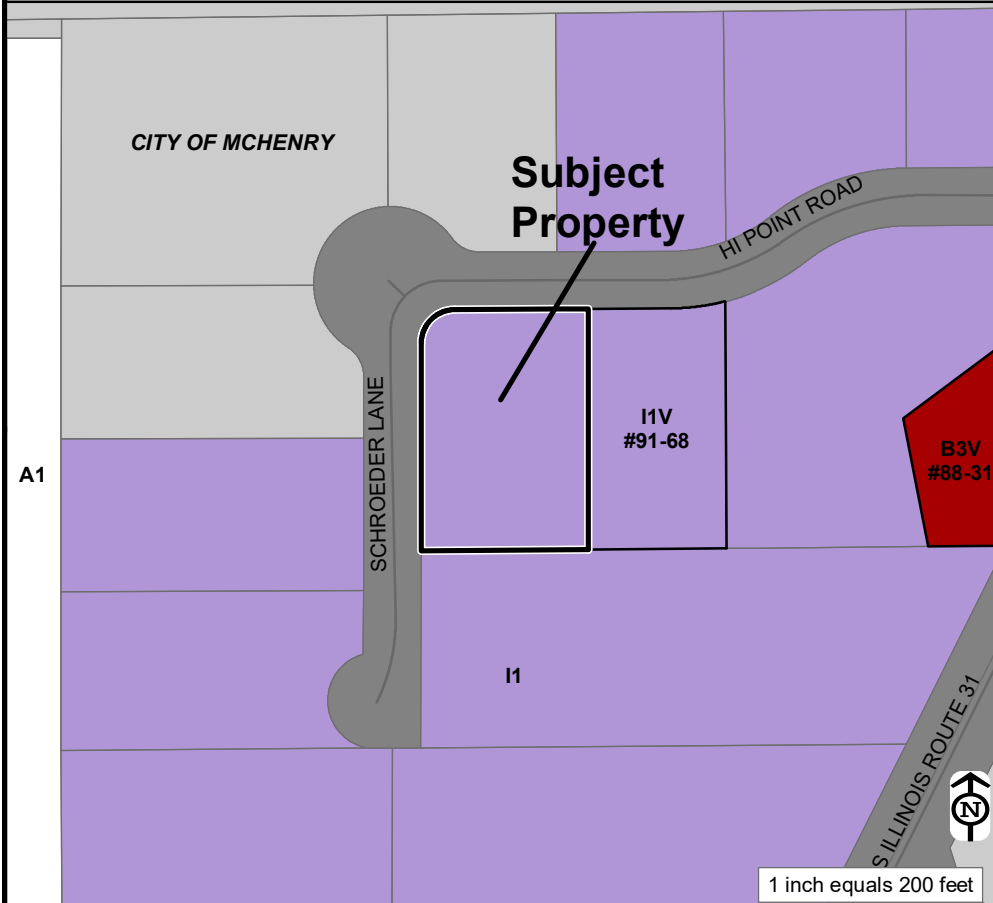
South: *Industrial*

East: *Industrial*

West: *Industrial*

- 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, Utilities
- Under Review

Zoning Map



Current Zoning

I-1 Light Industrial

Adjacent Zoning

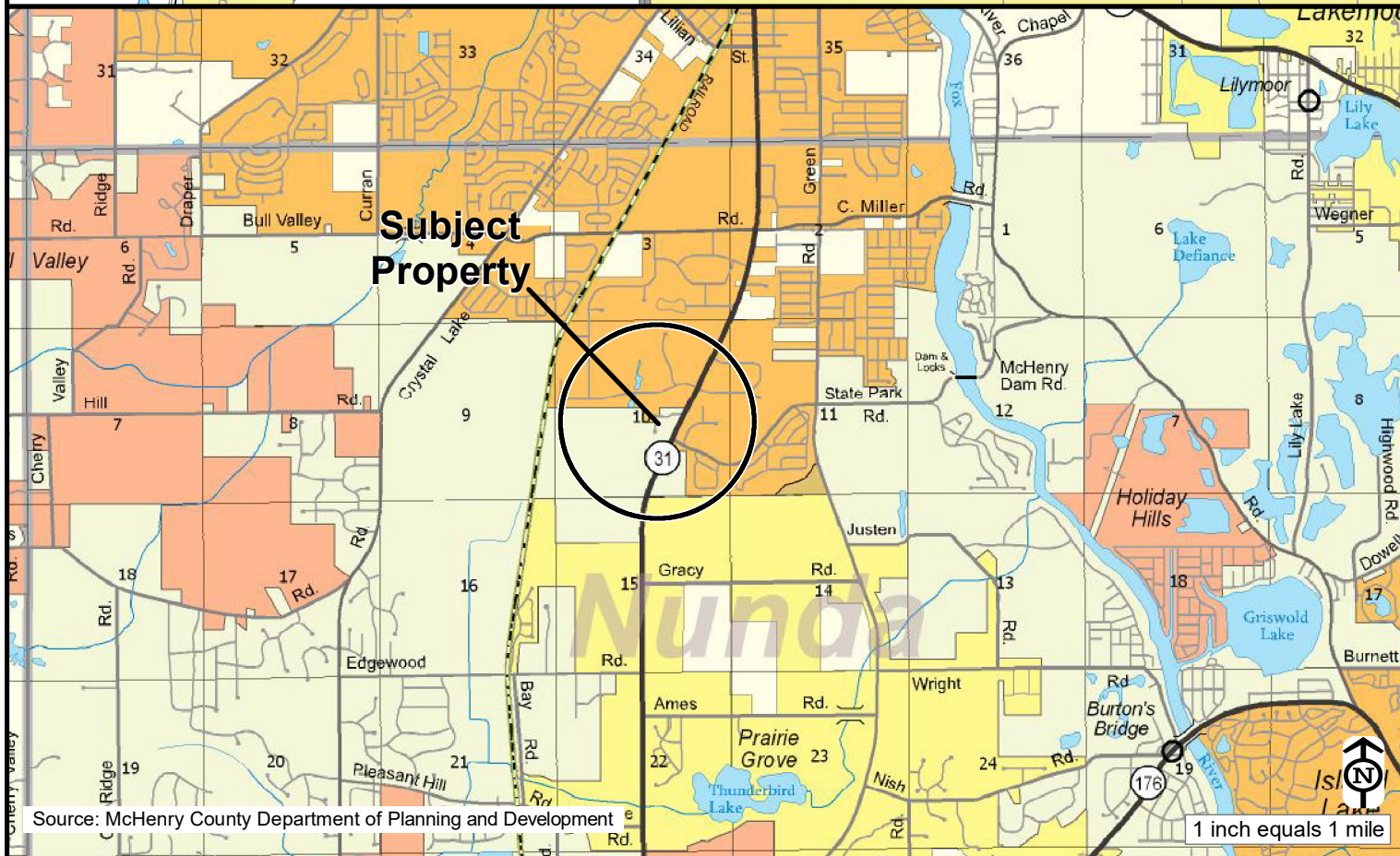
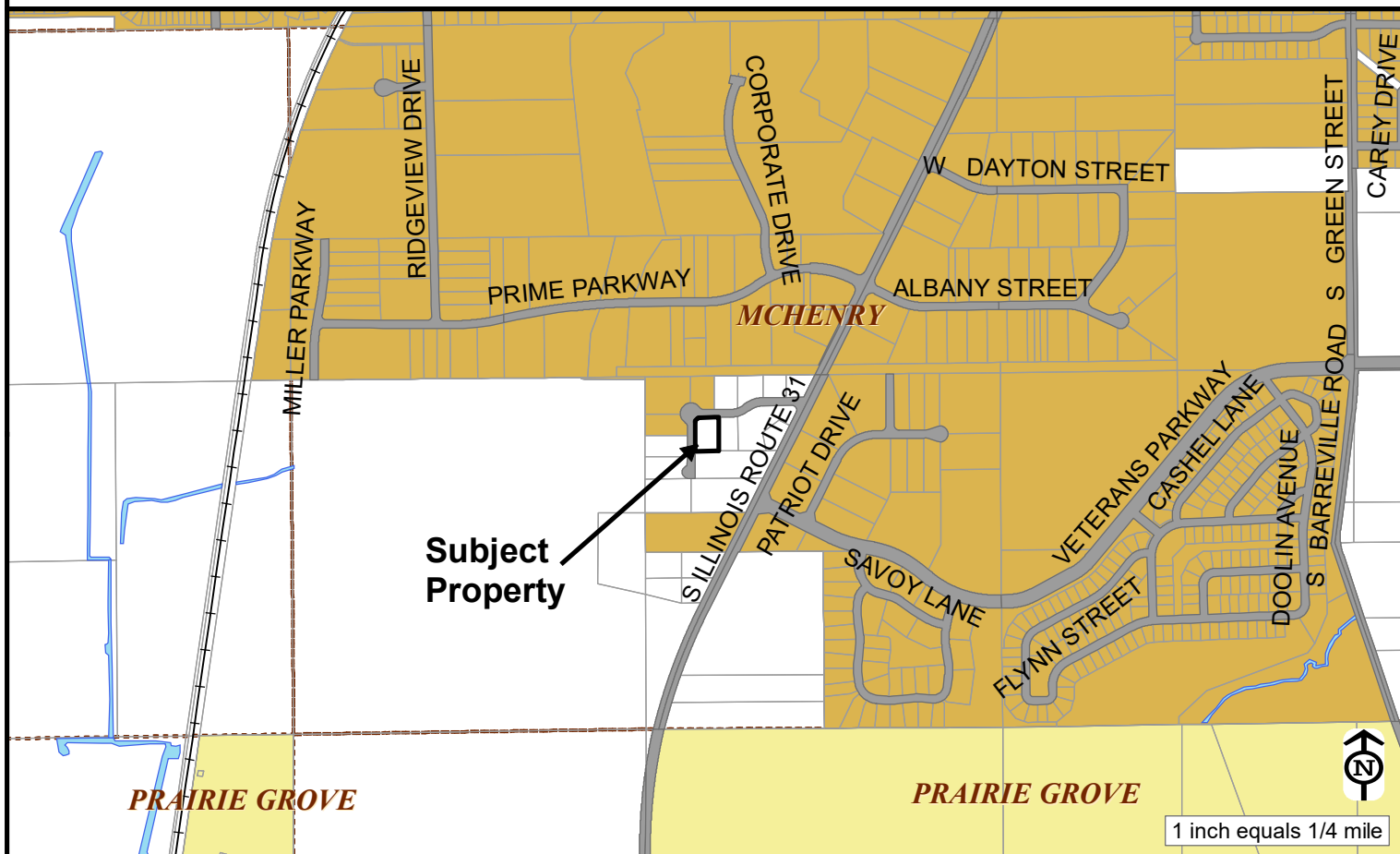
North: Incorporated & I-1 Light Industrial

South: I-1 Light Industrial

East: I-1V Light Industrial

West: Incorporated & I-1 Light Industrial

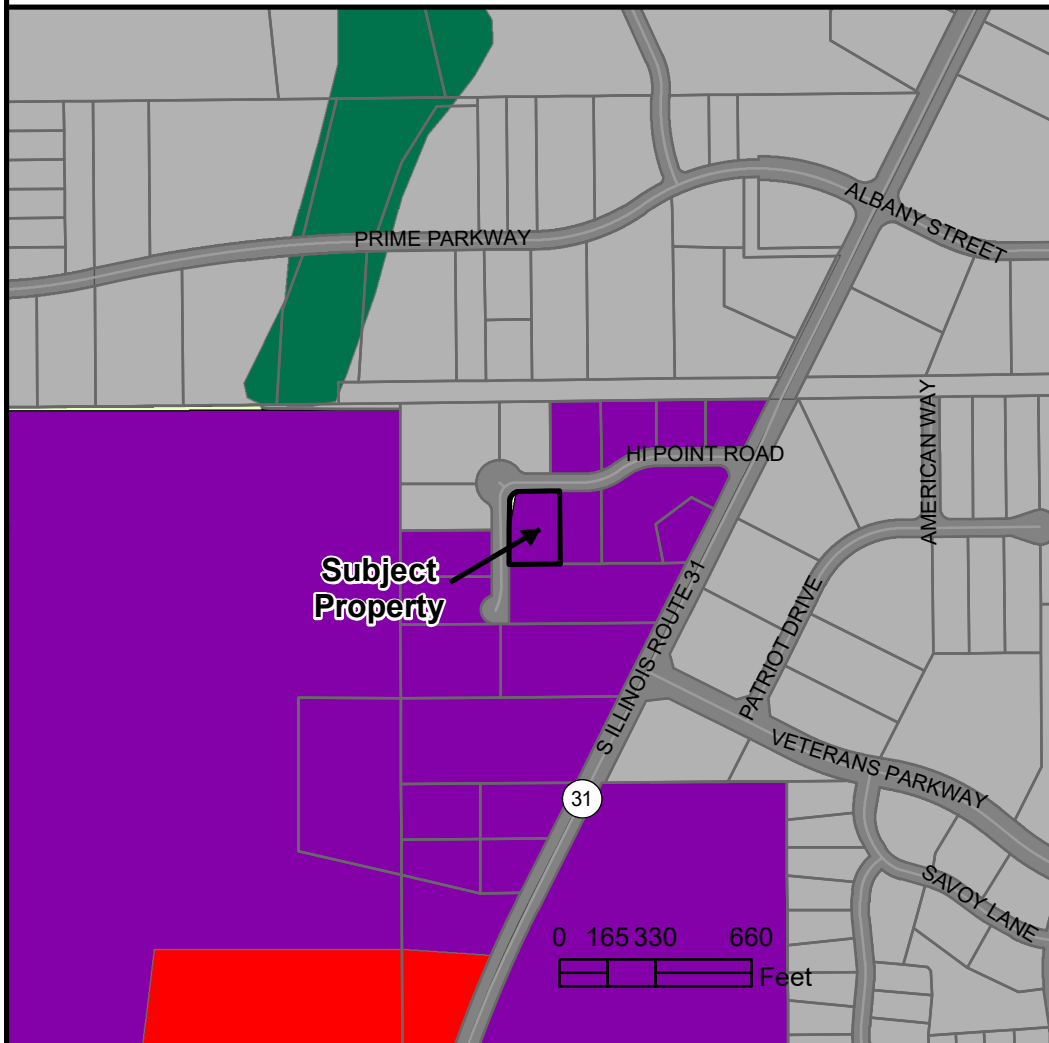
- A-1 Agriculture
- A-2 Agriculture
- E-5 Estate
- E-3 Estate
- E-2 Estate
- E-1 Estate
- R-1 Single-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- B-1 Neighborhood Business
- B-2 Liquor Business
- B-3 General Business
- O Office / Research
- I-1 Light Industrial
- 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

Office, Research, Industrial



- 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 = 1/8 mile

Municipal/Township Plan Designations

Nunda Township: Existing Development

McHenry: Industrial

Prairie Grove: No Designation

McHenry County 2030 Comprehensive Plan — Text Analysis

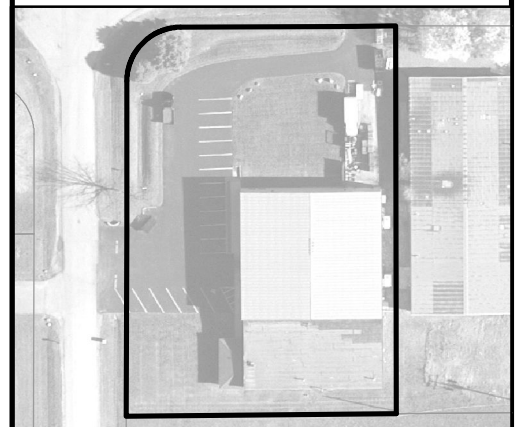
Land Use

Residential includes existing and proposed areas for single-family and multifamily residential uses at gross densities of less than one acre per dwelling unit. Most residential development will occur following municipal annexation, particularly those that provide public sewer and water. Consideration should be given regarding nearby land uses and zoning, the availability of transportation, infrastructure, water supply, other public services, environmental limitations, and other factors required by law.

Sensitive Aquifer Recharge Areas

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

Sensitive Aquifer Recharge Areas (SARA)



Sensitive Recharge Area

Map showing the location of the proposed storage yard along with the approximate location of the large stones and the 14' sliding gate



The “red” outline shows the perimeter of the proposed storage yard. The “red” circles show the approximate location of each large landscaping stone. The “blue” line shows the approximate location of the 14’ sliding gate.

Map showing the approximate dimensions of the proposed storage yard



McHENRY-LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT



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

December 21, 2022

Kyle Mack
1433 North Water Street, Suite 400
Milwaukee, WI 53202

<u>Re:</u>	Parcel Number: 14-10-402-001
<u>Common Location:</u>	1620 South Schroeder Lane, McHenry, IL 60050
<u>NRI#</u>	L22-070-4461
<u>Zoning Change:</u>	I1 to I1 Variation

Dear Mr. Mack:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for Natural Resource Information Report on the Kyle Mack LLC property as applied for in Report #22-070-4461. Due to the size of the parcel, 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.

No wetlands, hydric soils, or floodplains were found on the site from office maps. Our inventories are 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

**HEARING OFFICER REPORT TO THE MCHENRY
COUNTY BOARD IN THE MATTER OF PETITION #2022-049**

1. **Recommendation:** Approve
2. **Applicant:** Kyle and Candace Mack, Managers of Kaymack LLC (Owner of Record)
3. **Request:** Variations to allow for 1) accessory outdoor storage to be located in the effective street yard, and 2) a waiver of the minimum six (6)-foot high screening as outlined in §16.56.050.K.2 of the McHenry County Unified Development Ordinance.
4. **Location and size of property in question:** The subject property consists of approximately .99 acres and is located at the southeast corner of the intersection of Schroeder Lane and Hi Point Road. Common address: 1620 S. Schroeder Lane, McHenry, Illinois, in Nunda Township. PIN: 14-10-402-001
5. **Present at hearing:**
 Kyle Mack, Applicant
 Michael J. McNeerney, Hearing Officer
 Kim Scharlow, County Staff; David Kerpel, Erin Kerpel
6. **Date, time and location of the hearing:** January 10, 2023 at 11:00 a.m., McHenry County Government Center, Ware Road Administration Building, Woodstock, IL 60098.
7. **Items of evidence:**
 Official Site Plan, Application to allow variance, Natural Resource Information Report, McHenry-Lake County Soil & Water Conservation District Letter of L22-070-4461.
8. **Summary of Testimony at the hearing:**
 The Hearing Officer opened the meeting and described the property and the request.

Kyle Mack stated that he has owned the subject property since June of 2022 and the current tenant is Brown Equipment Company, which is a heavy equipment servicer. He noted that they rent out equipment to many municipalities and they have been tenant at this location since October of 2022. Mr. Mack estimated that the business sees approximately 12 to 15 customers coming in and out of the site each day.

Mr. Mack explained that the equipment rental company has heavy equipment, weighing up to 80,000 pounds, and he is concerned that it will start to do damage to the parking area. He indicated that they plan to put gravel in the outdoor storage area to prevent damage to the yard. With regard to the required six-foot fence around the storage area, Mr. Mack stated that he would like that requirement waived in order to place large landscaping stones around the area. He mentioned that the stones would deter theft of equipment as trucks would not be able to pull it out of the storage area. There would also be a gate at the northeast corner of the storage area.

Mr. Mack stated that the landscaping stones would be approximately seven (7) feet apart, and the Hearing Officer asked whether that could be reduced to six (6) feet. Mr. Mack agreed that would be acceptable. He also noted that retail businesses with a sales

component are permitted an outdoor display area, and the Ordinance does not provide the same allowance for retail businesses with a rental component.

Mr. Mack pointed out that he had received five (5) letters of support from adjacent landowners and provided them as part of the record. He noted that seven (7) of his immediate neighbors were contacted and none of them objected to his request. He mentioned that all of the surrounding area is also industrial with limited traffic. Mr. Mack addressed the Approval Standards for Zoning Variations, noting that the requested variations would not be a detriment to the area, but rather would be a benefit.

The Hearing Officer found that the Standards had been met and recommended approval of the request.

9. Planning and Development Report – comments and conclusions:

Current Land Use: The property is designated Industrial on the Current Land Use map.

Adjacent land use:

North: Industrial
South: Industrial
East: Industrial
West: Industrial

Current Zoning: the property is currently zoned I-1 Light Industrial District

Adjacent zoning:

North: I-1 Light Industrial & City of McHenry
South: I-1 Light Industrial
East: I-1V Light Industrial
West: I-1 Light Industrial & City of McHenry

2030 Plan: The property is designated Office, Research, Industrial on the McHenry County Land Use Plan Map.

Municipal Plans within 1.5 miles:

McHenry: Industrial Prairie Grove: No Designation

Improvements: The subject property contains a metal-clad and brick commercial building, and an asphalt driveway and parking area, according to the plat of survey.

Natural Resources: No wetlands were found on site. Due to the amount of previously disturbed soils on the site, the Soil and Water Conservation District finds that impact to natural resources from the proposed use is minimal, according to Natural Resources Inventory (NRI) Letter L22-070-4461.

Flood Hazard Areas: No flood hazard areas were found on the site.

Flood-of-Record: No floods-of-record were found on the site.

SARA: The site is *not* located in a zone with elevated aquifer contamination potential, according to the McHenry County Sensitive Aquifer Recharge Area (SARA) map.

The Affidavit of Posting, mailings and legal notice were checked and found to be acceptable. The McHenry-Lake County Soil & Water Conservation District determined that a full report was not necessary.

10. STAFF COMMENTS & CONCLUSIONS:

- * No zoning violations are currently open on the subject property.
- * The structure on the property was constructed in 1981 and expanded in 2002.
- * An Illinois Department of Natural Resources (IDNR) report was not required for this Project.

11. Recommended findings of fact as to the Request for the Variation:

The Standards for Variation, listed in Sec. 16.20.020.F of the McHenry County Unified Development Ordinance, have been met and granting this variation is recommended.

Sec. 16.20.020F.1: The particular 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.

Witness testified that the structure is existing and the proposed storage area is the most logical.

Sec. 16.20.020F.2: The conditions upon which the application for a variation are based are unique to the property for which the variation is sought and are not generally applicable to other property within the same zoning district.

The Witness testified that is true.

Sec. 16.20.020F.3: The purpose of the variation is not based exclusively upon a desire to increase the monetary gain realized from the property.

The Witness testified that is true and his tenants merely would like an area to display their equipment that is for rent, while keeping it safe from burglary.

Sec. 16.20.020F.4: 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.

Witness testified that the property is a corner lot in an industrial area and the structure is already existing.

Sec. 16.20.020F5: That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

The Witness testified that the proposed improvement would not be injurious to adjacent properties and they have all indicated support of the request.

Sec. 16.20.020F6: The proposed variation will not impair an adequate supply of light or air to the 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.

Witness testified that the proposed variation would have no negative impact on public streets or public safety and would not negatively impact neighboring property values.

Sec.16.20.020F.7. The granting of the variation requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings of the same zoning district.

The evidence establishes that the property owner would not be gaining a special privilege by the granting of this request, as it is a reasonable request that should be granted to other property owners, if they so requested, as was also attested to by the witness.

The Witness has met their burden of establishing the necessary ordinance requirements. Accordingly, it is my recommendation that the petitioner's request be granted.

Respectfully submitted,

/S/: *Michael J. McNerney*
Michael J. McNerney