

IN THE MATTER OF THE APPLICATION OF)
Rayann Paul Legaspi and John Michael V. Civil, owners of)
record FOR AN AMENDMENT OF THE UNIFIED) **#2022-002**
DEVELOPMENT ORDINANCE OF McHENRY COUNTY,)
ILLINOIS FOR A **CONDITIONAL USE**)

WHEREAS, your Applicants, **Rayann Paul Legaspi and John Michael V. Civil**, as your Owner, has filed an application with the McHenry County Zoning Board of Appeals requesting the issuance of a Conditional Use as it relates to the McHenry County Unified Development Ordinance, as it relates to the real property more fully described as:

LOT 1 IN ALGONQUIN MANOR UNIT NO. 2, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 24, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 1, 1965 AS DOCUMENT NO. 449492 IN MCHENRY COUNTY, ILLINOIS.

PIN# 19-24-301-007

9709 Zimmer Drive, Algonquin, Illinois, in Algonquin Township.

WHEREAS, the Application requests no reclassification of the subject property from its present classification which is **"R-1" Residential**, but a Conditional Use be granted **to allow for a Residential Care Facility**.

WHEREAS, the subject property consists of approximately **0.5 acres** in which no reclassification is contemplated.

WHEREAS, a hearing on said petition was held before the Zoning Board of Appeals 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 Zoning Board of Appeals of McHenry County **did recommend by a vote of 6 ayes and 1 nays the granting of a Conditional Use to allow for a Residential Care Facility, with the following conditions:**

- 1. The Conditional Use Permit shall expire ten (10) years from the date of approval by the McHenry County Board.**
- 2. All other federal, state, and local laws shall be met.**

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

WHEREAS, the McHenry County Board has determined that the standards for a Conditional Use Permit 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 the ***issuance of a Conditional Use to allow for a Residential Care Facility, with the following conditions:***

- 1. The Conditional Use Permit shall expire ten (10) years from the date of approval by the McHenry County Board.**
- 2. All other federal, state, and local laws shall be met.**

If any part, sentence, clause, or provision of this ordinance is adjudged to be unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

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: _____

Staff Report for the McHenry County Zoning Board of Appeals

Application: #2020-002

PIN: 19-24-301-007

Address: 9709 Zimmer Dr, Algonquin, Illinois

Location: The property consists of approximately 0.5 acres and is located at the northwest corner of Zimmer Drive and Manor Street, Algonquin Township.

Hearing: November 17, 2022

Applicant: Rayann Paul Legaspi & John Michael Civil

Request: Conditional Use Permit for a Residential Care Facility

Aerial Map



Subject Property

Prepared by McHenry County Department of Planning and Development (photo: 2021)

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)

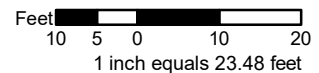
- 10-foot contours
- 2-foot contours

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



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 of Conditional Use Permit for a Residential Care Facility on a half-acre (0.5) lot at the northwest corner of Manor Street and Zimmer Drive in Algonquin Township. The subject property is zoned E-1 Estate District.

MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE

- The Applicant must meet the Approval Standards for Conditional Use Permit, listed in County Code Section 16.20.040.E, along with the use standards for a Residential Care Facility (County Code Section 16.56.030.MM). Both sets of standards are included with this report.

STAFF ANALYSIS

Current Land Use & Zoning

The subject property, along with all adjacent properties, are zoned E-1 Estate District and all properties are currently used for single-family residences.

2030 Comprehensive Plan Future Land Use Map

The 2030 Future Land Use map designates this property as **Residential**. Allowing this property to provide a Residential Care Facility is consistent with this designation.

2030 Comprehensive Plan & 2030 and Beyond Analysis

Staff has reviewed the 2030 Comprehensive Plan and 2030 and Beyond as they pertain to this particular application and offer the following comments. *(See comments below)*

McHenry County 2030 and Beyond, Adopted October 18, 2016

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

No applicable text

Big Idea #2 Let's build on our strengths

"We can make it happen by preserving our wide array of housing choices and lot sizes – from rural to urban." (p. 14)

- This proposal would provide Seniors who need assistance a choice of housing.

Big Idea #3 Let's grow smarter

"We can make it happen by recognizing and planning for our changing demographics and generational preferences for housing choices, including mixed-use, walkable neighborhoods." (p. 20)

- The applicant is proposing reusing an existing house to accommodate Seniors who need some assistance.

Big Idea #4 Let's expand our economy

- No applicable text

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

"Promote a mix of housing types and values to meet the needs of all segments of the population." (p. 15)

- The request would provide a choice housing for a segment of our population, allowing Seniors who need some assistance to reside in a home as opposed to living with a family member or a more skilled care facility.

Agricultural Resources

No applicable text

Greenways, Open Space & Natural Resources

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

- The request meets this objective as there is minimal external improvements which would impact the environment. Please refer to NRI Letter #L22-004-4395 for more information

Water Resources

"Protect and preserve Sensitive Aquifer Recharge Areas as a priority of the 2030 Plan. The SARA map shall be utilized as a determining factor in any proposed land use change." (p. 63)

- The subject property is located in a recharge area. The site is already developed, with few external improvements proposed, all of which could be done whether the Conditional Use Permit was granted or not. Therefore, the proposed use, Residential Care Facility, will not change the overall impact to the aquifer.

Economic Development

No applicable text

Infrastructure

No applicable text

STAFF ASSESSMENT

The Staff Plat Review Committee last reviewed this proposal on September 7, 2022. Remaining concerns were minor and can be handled through the building permitting process (minutes from that meeting are attached for reference).

The Comprehensive Plan supports this proposal as the property will continue to be used for residential purposes. While the property is located within a SARA designated area any improvements only minor adjustments are contemplated, all of which would be allowed regardless of whether the Conditional Use Permit is granted.

Staff offers the following conditions for consideration:

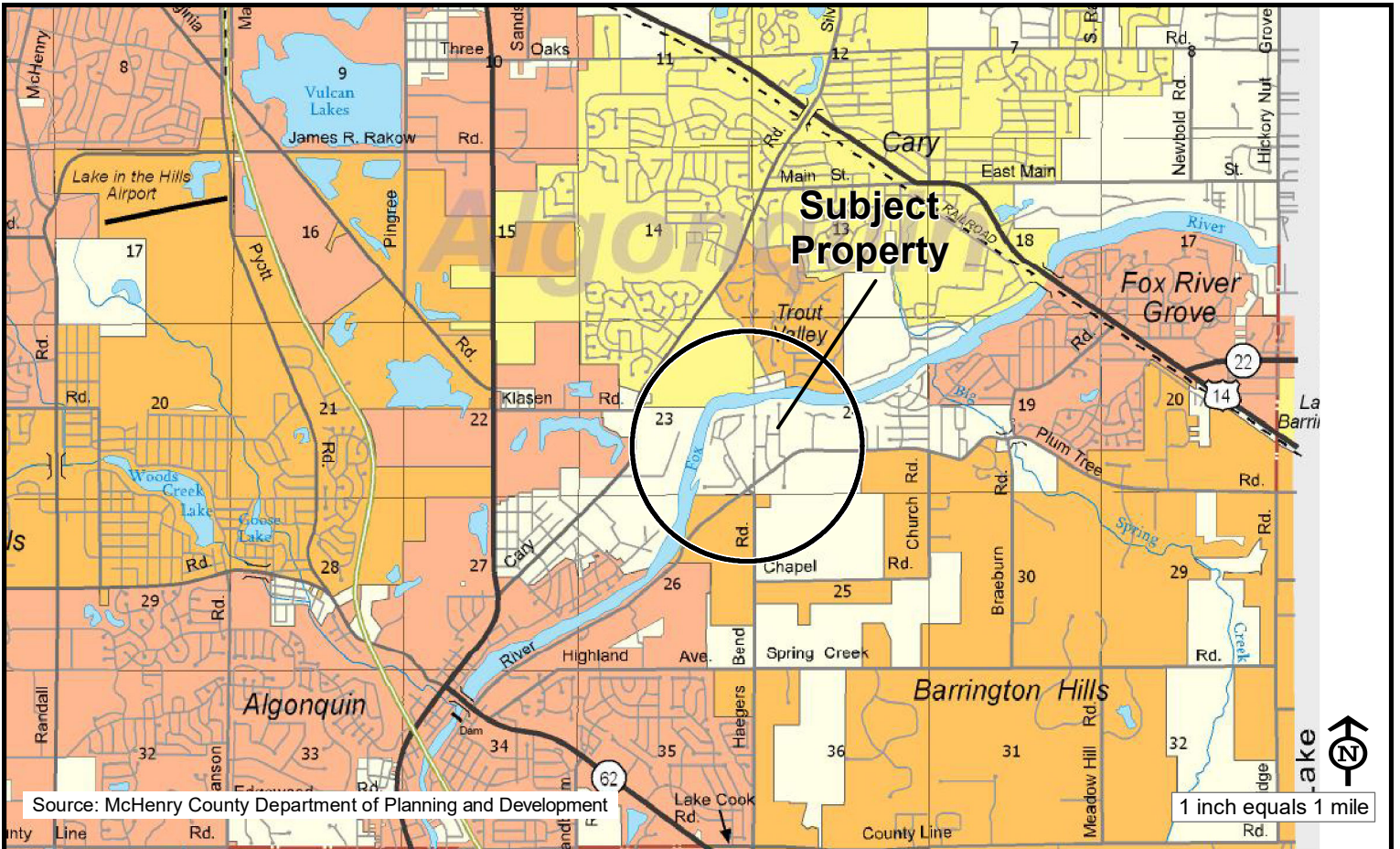
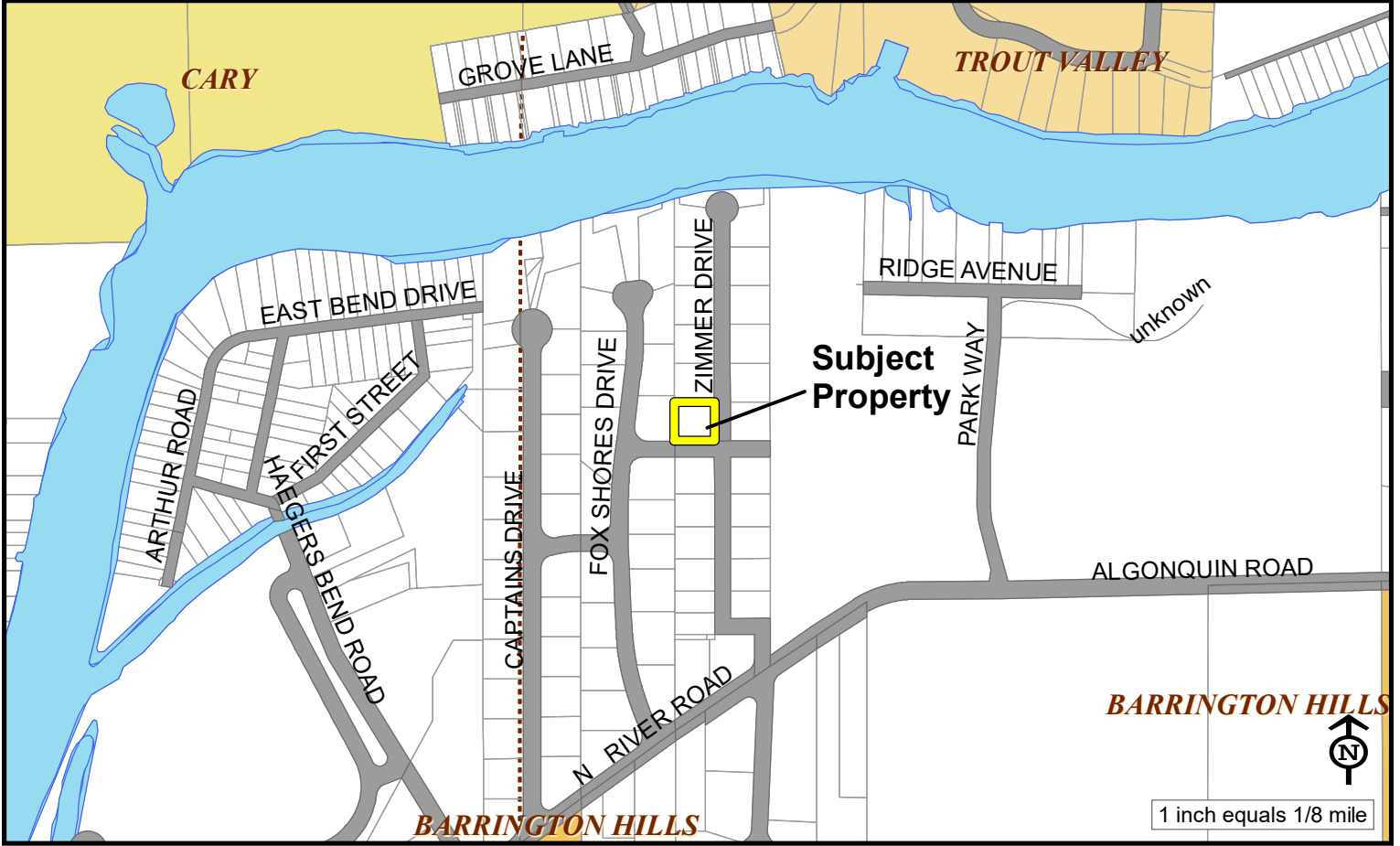
1. The Conditional Use Permit shall expire ten (10) years from the date of approval by the McHenry County Board.
2. All other federal, state, and local laws shall be met.

E. *Approval Standards for Conditional Use Permits.* No conditional use permit may be granted unless the Zoning Board of Appeals and County Board makes specific written findings that the request meets each of the standards imposed by this section. These standards are as follows:

1. That the petitioner has demonstrated the ability to meet any applicable standards contained in [Chapters 16.56](#) (Use Standards) and [16.60](#) (Site Development Standards).
2. That the site shall be so situated that the proposed use is compatible with the existing or planned future development of the area.
3. That the establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.
4. That the conditional use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
5. That the conditional use shall not substantially diminish and impair property value within the neighborhood.
6. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
7. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard on public streets.
8. That the conditional use shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located.
9. That the conditional use is reasonably in the interest of the public welfare.
10. That adequate measures will be taken to provide protection to groundwater recharge and groundwater quality.

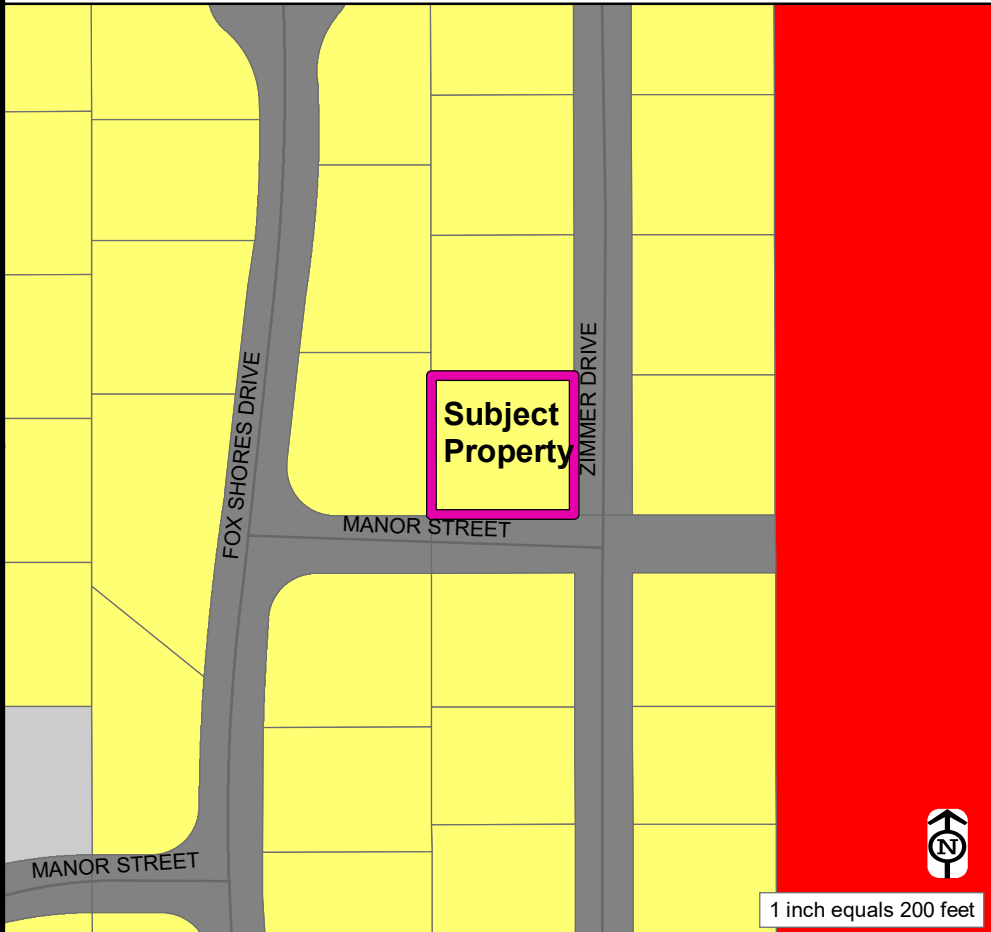
MM. *Residential Care Facility.*

1. Application for a residential care facility shall submit the following as part of use approval:
 - a. A statement of the exact nature of the facility planned and services to be offered, such as treatment of mental health issues, developmental disabilities, or drug addiction and rehabilitation.
 - b. Provide the facility's maximum capacity, typical duration of stay, type and number of personnel to be involved in the daily operation of the facility, and any permanent residents or caretaker, if applicable.
 - c. The qualifications of the organization who will operate the facility. The type and number of personnel who will be involved in the daily operation of the facility.
 - d. A completed application form for the relevant state license or national accreditation to be sought by the organization.
 - e. A management plan that addresses unused pharmaceuticals in respect to disposal and wastewater and which incorporates relevant best management practices identified by the United States Environmental Protection Agency.
2. Prior to commencing operations, or at the earliest date possible, the facility shall obtain all applicable state, federal, and local licenses required for operation, and/or an applicable national accreditation. Such licensure and accreditation must be in effect and maintained in good standing at all times.



Source: McHenry County Department of Planning and Development

Current Land Use Map



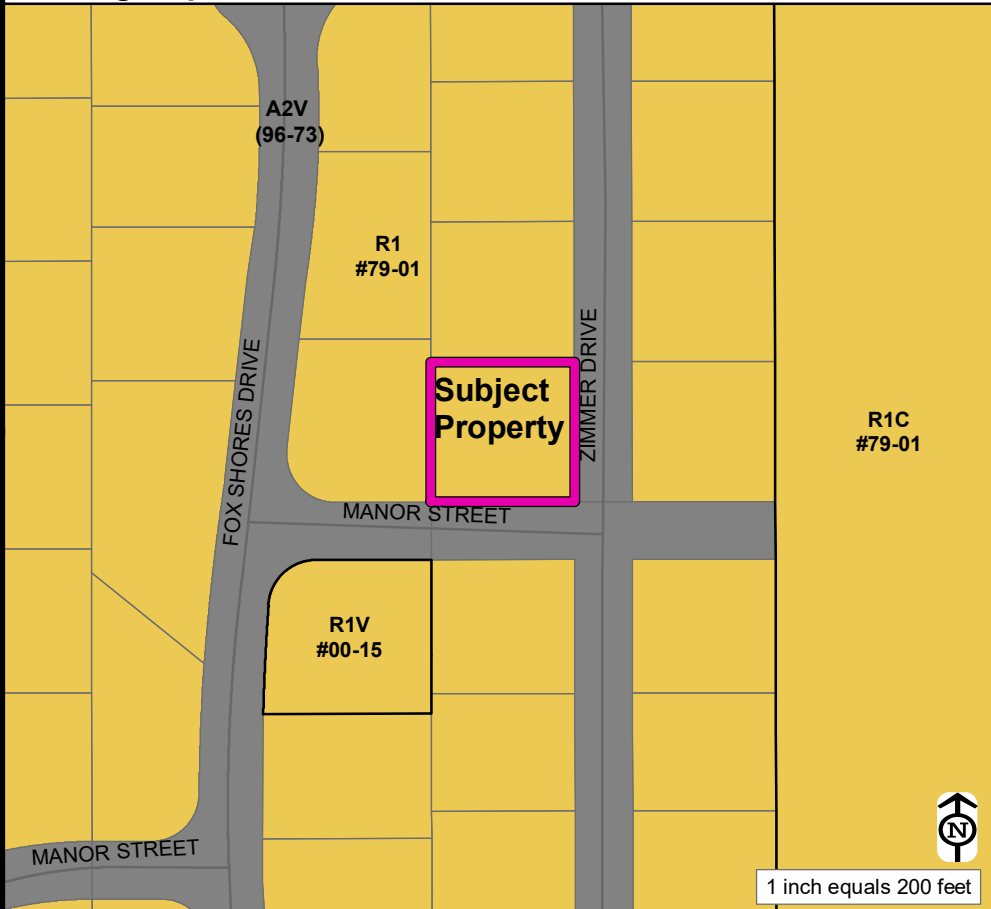
Current Land Use
Single-Family Residential

Adjacent Land Use(s)

North: Single-Family
South: Single-Family
East: Single-Family
West: Single-Family

- 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

R-1 Single-Family Residential

Adjacent Zoning

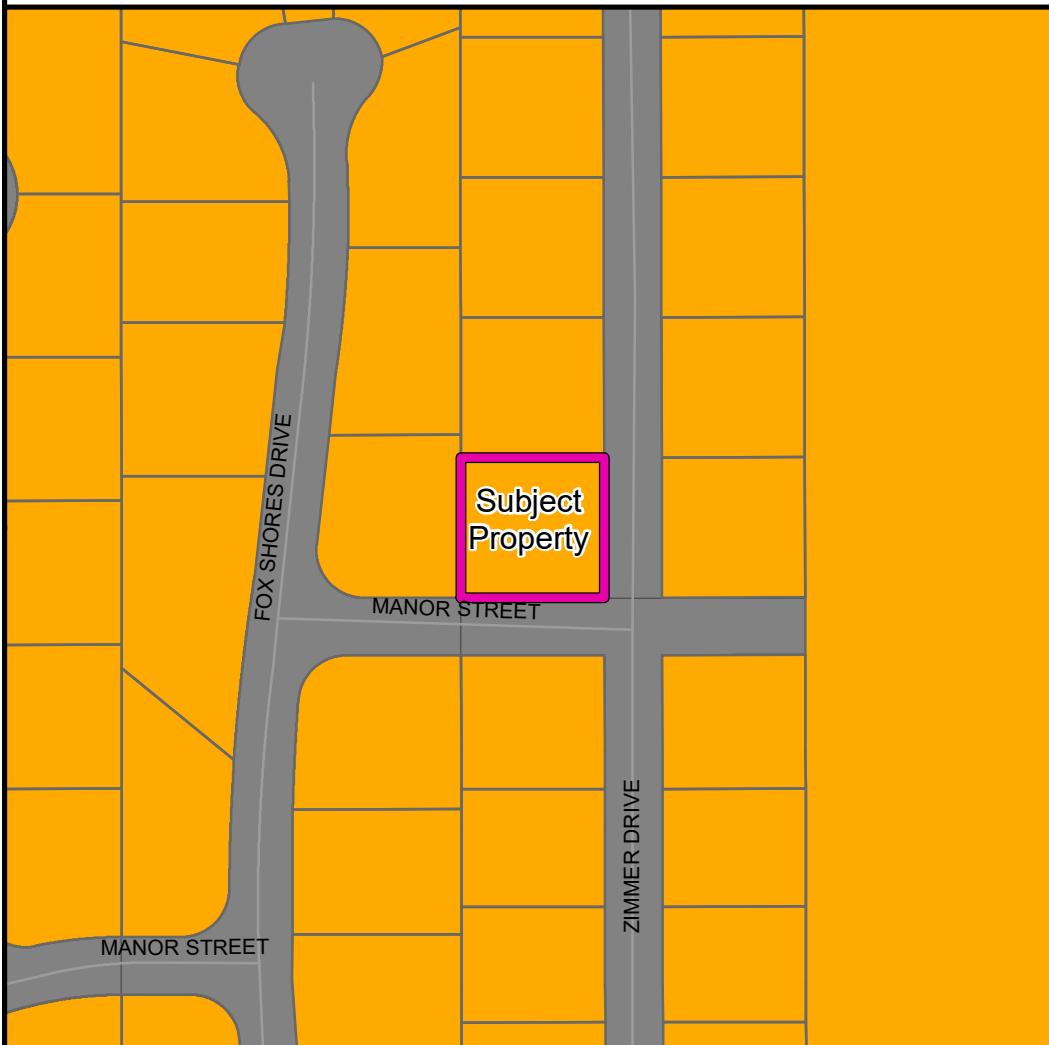
North: R-1 Single-Family Residential
South: R-1 Single-Family Residential
East: R-1 Single-Family Residential
West: R-1 Single-Family Residential

- 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 Liquour 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

Residential



- 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 = 200 feet



Municipal / Township Plan Designations

Village of Burlington Hills: Suburban Residential Algonquin Twp: No Designation
Villages of Algonquin, Cary, Fox River Grove & Trout Valley: 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. Within the Residential district, development densities should consider nearby land uses and zoning, and the availability of transportation, infrastructure, water supply, and other public services, environmental limitations, and other factors required by County ordinances, state statutes, and case law.

Sensitive Aquifer Recharge Areas

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

Sensitive Aquifer Recharge Areas (SARA)



Sensitive Recharge Area



McHenry County
Staff Plat Review - Public Meeting
MINUTES

October 5, 2022, 8:30 AM
Conference Room 108D
Administration Building, 667 Ware Rd., Woodstock, IL 60098

Members Present: Adam Wallen, Jeff Levato, Joanna Colletti, Steve Gardner

Members Absent: Ray Beets, Patricia Nomm, Renee Hanlon

Full comments on all agenda items are included in the audio recording of this meeting.

1. CALL TO ORDER

Meeting called to order at 8:30 AM by Adam Wallen.

2. PUBLIC COMMENT

None.

3. DRAFT MINUTES FOR APPROVAL

None.

Approve previous minutes

4. SITE PLAN REVIEW

4.1 2022-002 - Legaspi - Algonguin Twp

Rayann and Analiza Legaspi were in attendance for the petition.

Building Division - Steve Gardner

Mr. Gardner reported there is furniture restricting the 3' access isle and it can be addressed during permit review. Mr. Legaspi reported that he can move the refrigerator over slightly to resolve the 3' issue.

Water Resources - Joanna Colletti

Ms. Colletti stated the previous comments relating to the driveway have been resolved, there are no further comments.

Planning Division - Renee Hanlon

Ms. Hanlon explained that they will be required to address the standards during the Zoning Board of Appeals hearing. All other comments by the division have been met.

Environmental Health - Jeff Levato

No comments.

Motion to approve the site plan as presented for petition 2022-0002. All members present voting aye.
Motion passed.

Mover: Renee Hanlon

Second: Joanna Colletti

Approved

4.2 2021-047 - Jaime - Marengo Twp

Enrique Jaime was present on behalf of the petitioner. He explained that the property has had a landscape business since 1972 when his father owned the property. There have not been many changes to the property. There are 3 employees that arrive at 5:00 am and return at 4:30 pm. Nothing is sold from the property and there is no office onsite. The only material stored onsite is straw and of a few bags of seed.

Building Division - Steve Gardner

Mr. Gardner asked to specify the use for each building. The structure labeled "barn" houses seed and fertilizer. The larger barn houses equipment during the winter. He also asked if any maintenance of vehicles occurs onsite or in the barn. Mr. Jaime sends his vehicles out for service. With 3 employees that leave the site, no additional restroom facilities are required.

Water Resources - Joanna Colletti

Ms. Colletti noted that a permit was applied for in 2014 for the parking area and lean-to on the barn. She explained that any additional areas that are added now or in the future that could reach 20,000 sq. ft. of impervious area since 2004 could potentially require a detention area. With no changes in buildings or parking area on the site plan she had no further comments.

Planning Division - Renee Hanlon

Ms. Hanlon provided the standards for a landscape business with outdoor storage from the UDO and mentioned that the ZBA or County Board may recommend additional standards. She stated that the outdoor storage requirements have been met. Mr. Jaime asked if the use could be granted permanently. Ms. Hanlon explained that it cannot be granted permanently, but he could request a longer use time in excess of the standard 10 years.

Environmental Health - Jeff Levato

Mr. Levato stated that if plowing occurs where salt would be stored on the property there is a distance requirement between the salt storage and the well. Currently, no salt is stored on the property. Mr. Levato mentioned there were storage tanks on the property. Mr. Jaime confirmed there are 250 gallon tanks on the property. Mr. Levato stated he is limited to 500 gallons below ground and 25,000 gallon above ground. Mr. Levato asked that Mr. Jaime add the additional septic component to the house consisting of a tank and field onto the site plan. He noted that he could obtain information from permit E-0303 from Planning and Development to assist in drawing the additional septic field and tank onto the site plan. His final comment was that if leaves or brush were to be taken back to the site an IEPA permit would be required.

Motion to approve the site plan pending administrative review of the addition of septic area to the site plan. All members present voting aye.

**McHENRY-LAKE COUNTY
SOIL & WATER
CONSERVATION DISTRICT**



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

January 31, 2022

Rayann Legaspi
432 Thunder Ridge
Lake in the Hills, IL 60156

Re: Parcel #19-24-301-007
Common Location: 9709 Zimmer Drive, Algonquin, IL 60102
NRI# L22-004-4395
Zoning Change: R1 to R1 Conditional Use

Dear Mr. Legaspi:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for Natural Resource Information Report on the Rayann Paul Legaspi property as applied for in Report #22-004-4395. Due to the size of the parcel and no to minimal new soil disturbance, 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 floodplain or wetlands were found on the site from office maps. Our floodplain and wetland 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,

A handwritten signature in cursive script that reads "Ryan Bieber".

Ryan Bieber
Urban Conservation Specialist

cc. Kim Charlow, McHenry County Department of Planning and Development,
KBScharlow@mchenrycountyil.gov

MCHENRY COUNTY

ZONING BOARD OF APPEALS

MINUTES ● November 17, 2022 and December 1, 2022

Zoning Hearing

Conference Room C

1:30 PM

667 Ware Rd, Woodstock, IL 60098

ZONING BOARD OF APPEALS REPORT TO THE MCHENRY COUNTY BOARD - #2022-002

1. **APPLICANT:** Rayann Paul Legaspi and John Michael V Civil
2. **REQUEST:** A Conditional Use Permit to allow a Residential Care Facility
3. **LOCATION AND SIZE OF PROPERTY IN QUESTION:** 9709 Zimmer Dr, Algonquin, Illinois, 0.5 Acres
4. **DATE AND TIME OF HEARING:** November 17, 2022, 1:30 PM
5. **DATE AND TIME OF VOTING MEETING:** December 1, 2022, 1:30 PM
6. **LOCATION OF HEARING AND VOTING MEETING:** Conference Room C, 667 Ware Road, Woodstock, Illinois
7. **PRESENT AT HEARING:**
 - A. ZBA Members: David Stone – Chair, Linnea Kooistra – Vice-Chair, Vicki Gartner, Robert Kosin, Kurt Schnable, Donald Smolinski
 - B. Witness: Rayann Paul Legaspi, Analiza Legaspi, Lindsey Tobias, Eric Kresmery, Jason Shallcross, Carol Sue Dechow
 - C. Attorney: William Hellyer (representing Algonquin Manor and Fox Shores Subdivisions)
 - D. Public: Anna Kurtzman – Staff, Kim Scharlow – Staff, Renee Hanlon - Staff
8. **PRESENT AT VOTING MEETING:**
 - A. ZBA Members: David Stone – Chair, Linnea Kooistra – Vice-Chair, Charles Eldredge, Vicki Gartner, Robert Kosin, Kurt Schnable, Donald Smolinski
 - B. Attorney: William Hellyer (representing Algonquin Manor and Fox Shores Subdivisions)

- C. Public: Anna Kurtzman – Staff, Kim Scharlow – Staff, Renee Hanlon – Staff, Rayann Paul Legaspi, Analiza Legaspi, Jamie Story

9. ITEMS OF EVIDENCE:

- A. Applicant Exhibit #1 – Recorded Declaration of Restrictive Covenants and Conditions Governing Algonquin Manor Unit No. 1, McHenry County, Illinois, the plat thereof being recorded as Document No. 328243, and Algonquin Manor Unit No. 2, the plat thereof being recorded as document No. 449492
- B. Exhibit #2 – Petition with forty-seven (47) signatures in objection to the Conditional Use Permit for a Residential Care Facility at 9709 Zimmer Drive, Algonquin and eighteen (18) letters also expressing an objection to this case

10. SUMMARY OF TESTIMONY AT HEARING:

The applicant began by giving an overview of the proposed project. It was stated that there would be four (4) bedrooms which could accommodate a total of four (4) to five (5) residents (this last figure assumed that one (1) bedroom could accommodate a married couple) for people needing 24/7 assistance. These bedrooms would be located on the main floor of the house. There would be a total of two (2) caregivers present at any given time and that there could be a third (3rd) caregiver that would come and go throughout the day. A space will be provided in the basement where the caregivers can go for a rest. There is a loft above the main floor which may be used for storage.

How food would be provided was discussed. The clients' families would arrange to have prepared food, such as frozen meals, provided. No food preparation, such as making a meatloaf, would occur on premise. The clients could either heat up the food themselves or the caregivers could microwave the food for them. A question was raised if this arrangement would meet state codes. The Legaspi's indicated affirmatively. During the public comment period it was suggested this arrangement could not be accommodated without a special kitchen license from the State.

It was mentioned that a fire suppression system might be provided – the Legaspi's noted that the state requirement was either to provide a fire suppression system or to have automatic door closings for each room in the house. The Legaspi's indicated that a decision regarding which option had not been made yet.

Ms. Gartner noted that from the description it appeared that the people who would reside here would feel like it was a residence and not an institution.

The caregivers would come from the family owned business, WEICARE, which provides non-skilled caregivers. Currently this business primarily provides services at Brookdale in Hoffman Estates where they provide supplemental care for residents of that facility. The company has noticed that due to cost constraints, especially during the COVID period, many residents had to leave that facility. WEICARE is proposing an alternative which would reduce the costs to the residents who do not need skilled care.

During questioning the applicant disclosed the qualifications of the caregivers. As non-skilled caregivers they are required to take training and receive certificates from certain on-line providers. The applicant, himself, is a registered nurse but would not be using that licensing to run the home – that he would run it as the administrator. His mother, who owns WEICARE, started as a midwife, then became an unskilled care giver and

ultimately started this business in 2019 where they provide unskilled workers to assist elderly patients in their private residence and help support assisted living arrangements.

Testimony indicated that most clients will likely be in their upper 80s or older and that they could stay a couple of months to several years. Based on State licensing requirements, all residents would have to be ambulatory. If, during their stay, they no longer meet this requirement then the Legaspi will speak to the family to have them arrange other accommodations. Concerns related to the mental health of the clients, especially if they have or develop a form of dementia were raised. The Legaspi responded that they will have adequate staff present 24 hours daily to watch and assist people with dementia.

The applicant and Ms. Legaspi indicated that clients for WEICARE are largely obtained via word of mouth from families of current clients and that residents of this facility would be selected in a similar manner. Questions were raised as to level of care which would be provided. The applicant indicated that staff could not administer medications but rather remind the clients to take medications. Staff could demonstrate to clients how to move if physical or occupational therapy plans were provided but could not touch the client to create the movement.

Inquires were made as to where else this type of model, providing limited assistance to a small group of unrelated clients in a residential setting, might be found. It was noted that this type of facility is not common in this area but can be found throughout the southwestern United States.

Ownership of the property was clarified. Rayann Paul Legaspi and his cousin, John Michael Civil, are the owners of the property. At the time of the purchase of the property Mr. Legaspi had not yet amassed enough work experience to qualify for a property loan and his cousin, John Michael Civil, co-signed. According to testimony Mr. Civil has no affiliation with the business. Mr. Legaspi indicated that he currently resides at this location but, if the CUP is granted, he would move out.

An inquiry was made regarding if signage was proposed. Mr. Legaspi responded that if a sign were to be erected it would be small and most likely would be placed on the mailbox and/or near the house numbers on the face of the house or possibly on the front door.

The use standards for a residential care facility were reviewed, and was determined that all required points had been addressed in the application.

Next, the standards for approving a conditional use permit were reviewed. Clarification regarding how the proposed use is compatible with existing and future development of the area was sought. Mr. Legaspi noted that the subject property is already developed with a single-family residence in a single-family residential neighborhood and is not located in an institutional setting. There was a follow-up question asking how the subject property would compare to a home with four (4) teenagers. Mr. Legaspi indicated that there would be few external modifications and that it would remain looking like a house.

The next standard reviewed was whether the conditional use would adversely impact the public health, safety, morals, comfort or general welfare of the neighborhood. Mr. Legaspi responded that he likes peace and quiet and that there wouldn't be any undue noises coming from this property.

In response to the third standard, that the granting of the conditional use would not be detrimental to or endanger the neighborhood Mr. Legaspi stated that it would not as it would remain a quiet, peaceful setting.

The fourth standard asks if the conditional use would be injurious to the use and enjoyment of other properties in the immediate area for purposes already permitted. Mr. Legaspi stated that it would not.

The fifth standard seeks clarification of how the proposed use would impact the property values of properties in the neighborhood. Mr. Legaspi indicated that this use would not adversely impact the values of properties in the neighborhood and that he is hoped that this use would actually increase the value of his property.

The sixth standard asks if adequate utilities, access roads, drainage and other facilities have been or will be provided. Mr. Legaspi stated that adequate parking is being provided. It was noted that two (2) angled parking spots would be in the driveway from Zimmer Drive and two (2) would be from Manor Street on an unpaved pad. A fifth spot, a handicapped accessible spot, would be located within the garage. The spots from Manor Street would be in an area where a previous owner had stored a vehicle. Staff confirmed that the parking standard is one (1) parking spot for every two (2) beds and one (1) parking spot for each employee at peak shift point, thus the amount of parking being proposed does meet the County's codes. She also confirmed that the Algonquin Township Highway had been contacted and the Township had indicated that the proposed parking meets their requirements as well.

Several neighbors expressed concerns with parking, indicating that they did not think enough parking was being provided to accommodate deliveries and guests. If there is inadequate on-site parking being provide then parking will occur on the street which would adversely impact the quality of life associated with this neighborhood. To support this point, they noted that the roads are two-lane with no sidewalks, no designated parking areas on the street, and there is a bus stop at the intersection of Zimmer Drive and Manor Street. Residents walk in the street and socialize there and the increased traffic from deliveries would change this dynamic.

Questions were raised regarding if the present septic system would be adequate to accommodate this proposed use. Staff stated that the County's Environmental Health Division had reviewed the septic system as part of the Staff Plat Review Committee review process and had determined that, as the number of bedrooms were not changing, the present septic system should be adequate to accommodate this use.

The seventh standard ensures that adequate measures have been taken, or will be taken, to ensure that ingress and egress has been designed to minimize traffic congestion and hazards on public streets. Mr. Legaspi concurred that this standard has been met.

The next standard requires that the conditional use conform to the other regulations of the zoning district. It was noted that this property is in a residentially zoned district and the applicant was asked if the subject property conforms to the regulations associated with this district. Mr. Legaspi responded affirmatively.

The ninth standard asks if the conditional use is reasonably in the interest of the public welfare. Through testimony provided by the applicant it was determined that facilities, such as Brookdale, have floors with specialized type of care. Regarding independent living floors, clients live in individual rooms, along the lines of a hotel set-up. It was also determined that this arrangement can be expensive and that the proposed residential care facility is less costly. As such, there is a community need for the less costly facilities.

The last standard seeks to ensure that adequate measures will be taken to protect groundwater. It was noted that this property is on well and septic. Disposal of medications should be as previously noted and thus they should not adversely impact groundwater.

The applicant was asked about the location of the nearest EMT and fire station. Mr. Legaspi knew of a fire station near a train station in either Cary or Fox River. He also noted that the nearest hospital would be Northwestern in Huntley and/or Good Shepherd in Barrington.

A question was posed as to who would be providing maintenance for the property. Mr. Legaspi responded that they have hired a maintenance person for work associated with the house and that they will hire someone to maintain the grounds.

Questions were asked regarding the applicant's prior knowledge of the covenants, conditions and restrictions (CCRs) associated with this property. A copy of these documents were introduced as evidence.

A resident indicated that the neighborhood has a private park which, per the terms of the CCRs, the residents of this facility would not be allowed to use.

A concern regarding the quantity of trash which would accumulate given the number of people who would use this property was expressed.

A representative of the Village of Algonquin's Community Development Department spoke and noted how the application does not meet certain Village development requirements associated with parking. He concluded by indicating that the Village will provide additional feedback but that they did not support the request.

Several people spoke and noted that the neighborhood is a single-family residential neighborhood and that they felt that the proposed residential care facility does not meet the characterization of a single-family residence.

Chair Stone closed the hearing and noted that there were only six (6) Zoning Board of Appeal members present. Thus, the applicant was afforded the opportunity to have the voting meeting postponed until a full Board was present. Mr. Legaspi requested a continuance which was granted. The voting meeting was then scheduled to occur on December 1st.

11. SOIL AND WATER CONSERVATION DISTRICT REPORT:

For further information refer to report number: L22-004-4395

12. ILLINOIS DEPARTMENT OF NATURAL RESOURCES:

The consultation was not required for this application.

13. SUMMARY OF VOTING MEETING DISCUSSION:

Chair Stone opened the voting meeting on December 1, 2022 and read aloud the proposed conditions. Ms. Kooistra made a motion to accept the conditions as read, seconded by Mr. Eldredge. This motion carried via a voice vote with no opposition. Ms. Kooistra made a motion to approve the conditional use permit, seconded by Mr. Eldredge.

Ms. Kooistra stated that she felt that a Residential Care Facility is something that is needed in the County and that this is a perfect location for this type of facility. She noted that it is an existing home that will have a few residents and that there would be adequate staff. She indicated that she felt that the applicant had demonstrated compliance with the standards for a conditional use permit, as well as, for a Residential Care Facility and that adequate parking is proposed. Ms. Kooistra commented that she felt that this use at this location will be so innocuous that people won't even know that it's there. She further stated that there shouldn't be any worries regarding any detriment to the health, safety and morals of the community as the applicant had clearly done their homework.

Mr. Schnable concurred with Ms. Kooistra's statements.

Ms. Gartner also concurred with Ms. Kooistra's statements and further stated that this would be a residential use in a residential neighborhood. Ms. Gartner said that this type of use is something that will be needed more often as our population ages. She felt that this type of facility is a nice step between total assisted living and independent living. She indicated that this type of facility would reduce the cost to residents who need some degree of assistance. Ms. Gartner noted that this type of facility, being located in a residence, is very common in the western United States and that requests for this type of housing will become more prevalent in the future.

Mr. Eldredge started by indicating that while he was not present during the hearing he had read the transcript from that meeting. He concurred with the previous statements, specifically noting that he felt that all standards for a conditional use had been met. He referenced a personal anecdote where he had a relative who lived in a high-rise apartment building with a similar arrangement and how no one else in the building was aware of the additional care which his relative had. As a result, he felt that concerns that people have that this particular facility would be disruptive was misplaced.

Mr. Smoliniski stated that that he agreed with previous statements and further elaborated that he felt that there was a growing need for residential care facilities as having elderly remain in a home rather than an institution was advantageous. He concluded by stating that the felt the requirements for granting a conditional use permit had been met.

Mr. Kosin noted that both the County and the State have recognized a need for residential care facilities based upon the regulations they each have adopted. However, he disagreed with other Board members regarding the appropriateness of placing such a facility at this location. He noted that there are no nearby emergency services at this location as it is equal distant from two fire stations. He also felt that plans within the building were inadequate noting concerns with access to and from bedrooms. He did not feel that the applicant was prepared to run such a facility noting that the applicant had no prior experience and did not adequately address questions which had been posed.

Mr. Stone concurred with all the comments made, other than Mr. Kosin's.

Mr. Stone called the question which resulted in a six (6) to one (1) vote in favor of granting the conditional use permit for a Residential Care Facility with the following two (2) proposed conditions:

1. The Conditional Use Permit shall expire ten (10) years from the date of approval by the McHenry County Board.
2. All other federal, state and local laws shall be met.

14. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:

- There is a need for Residential Care Facilities within the County.
- Standards for a Conditional Use Permit had been met.
- Standards for a Residential Care Facility had been met.

- Impact on the surrounding neighborhood will be similar to that of a single-family residential home.

15. FACTS THAT SUPPORT RECOMMENDING DENIAL OF THE REQUEST:

- Distance from emergency services
- Lack of experience of applicant to run such a facility
- Questionable access to and from bedrooms within the facility

16. MOTION: Made by Ms. Kooistra, seconded by Mr. Eldredge to accept the conditions as presented by staff.
Carried by voice vote.

Made by Ms. Kooistra, seconded by Mr. Eldredge to recommend approval of the request for a Conditional Use Permit for a Residential Care Facility with the recommended conditions.

17. VOTE:

6 – AYES; 1 – NAYS; 0 - ABSTAIN

GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR APPROVAL.

Full Comments for the above agenda items are included in the audio recording of this meeting, which can be found on the McHenry County Meeting Portal.

David Stone:

I'm going to open the meeting of the McHenry County Zoning board. This is a continuation of an application-

Linnea Kooistra:

Is that on Dave?

David Stone:

Is it working?

Linnea Kooistra:

No. Now try it.

David Stone:

This is a continuation of a hearing held approximately two weeks ago, and it was postponed because we are missing one of our board members. We have a full board right now and we're now at the point of taking a vote to the chair will entertain a motion to approve the condition of use permit.

Anna Kurtzman:

For the record. Can we indicate the case number?

David Stone:

I'm sorry.

Anna Kurtzman:

For the record, can we indicate the case number that we're talking about?

David Stone:

Oh sure. I'm sorry. The application number is 2022-042.

Anna Kurtzman:

No, no. What you're doing right now is 2022-002

Charles Eldredge:

Yeah. 002, yeah.

David Stone:

Okay.

Anna Kurtzman:

What you're referring to is what you're going to talk about later.

David Stone:

Okay. So now entertain a motion-

Anna Kurtzman:

That's next week's.

Linnea Kooistra:

We have to do conditions for state. The conditions are up on the screen.

David Stone:

Are the conditions ...

Linnea Kooistra:

Both sides on the screen.

David Stone:

Okay. I'm going to read out the conditions that's proposed by the staff. Number one, the conditional use permits shall expire 10 years from the date of approvals by the McHenry County board. Number two, all other federal and state local laws vote shall be met. Anyone have any further conditions? Anyone have any further conditions?

Linnea Kooistra:

I move. We approve the conditions.

Charles Eldredge:

Second.

David Stone:

Move by Kooistra, seconded by Eldridge that we accept the conditions as they are. All those in favor? Let's take. Since there's only two, we're going to go with a voice vote. All those in favor of the conditions one and two, please say aye.

Multiple Speakers:

Aye.

David Stone:

Opposed? Motion carried. Now chair will entertain motion to approve the application for conditional use permit.

Linnea Kooistra:

So moved.

Charles Eldredge:

Second.

David Stone:

I think we already had that motion.

Linnea Kooistra:

No, we didn't.

David Stone:

Question is discussions at this point. Who made the motion?

Charles Eldredge:

Linnea.

David Stone:

Go ahead Linnea.

Linnea Kooistra:

Yes. This is an application for a conditional use for a residential care facility. I think this is something that's really needed in the county. It's something new. I think this location is perfect. This is a home that will only have just a few residents and there will be adequate staff. I believe they've met the conditions for adequate parking. They have addressed all the conditions that within the ordinance for this residential care facility, what they would need to do for that, as well as their approval standards for a conditional use permit. I think this is in an area, it's near the Fox River in an unincorporated area, and I think it's just so innocuous that people won't even know it's there. So I think it's really compatible with what's planned in the area. I'm familiar with other homes like this in other areas and they just really fit in well with the residential, in a residential area, caring for older people.

And so I don't think there's any worries about any detriment endangering the public health, safety and morals. I think they've really done their homework on getting their licensing, what they'll need to do for that, and making sure that everything is provided for. They have addressed the parking issue, they have that done. They've gotten approval from the township for what they want to do as far as the parking.

And anyhow, I just think this would just be a lovely addition. I think it's good people that want to do this and I think it meets the standards in our ordinance, so I'll be voting for this.

David Stone:

Mr. Schnable.

Kurt Schnable:

I have nothing really to add to what Linnea said. I do have some other concerns about the overall business plan, but that's not what we're here really to discuss today. So I think overall I would tend to support approving the petition.

David Stone:

Ms. Gardner.

Vicki Gardner:

I agree with everything that Mrs. Kooista said. This is indeed a residential use for this property in a residential neighborhood. So I think that it fits in perfectly. I also think that this is a use that's going to be needed more and more as time goes on and our population ages. I know myself, I had my own mom at her home within home care and there were, at any given time, two people, three people in that house taking care of her, and nobody in the neighborhood said we can't have this. This was perfectly normal. This woman, my mother was living in her own home with care, and that's what we're all going to need at some point is more care.

This is kind of a nice step in between total assisted living and independent living. This is kind of independent assisted living because they're on their own for almost everything, but there are people there to make sure that they're okay, that they get in and out of the bathtub, that they get out of bed safely, that they eat, that they take their pills. I think this is a wonderful step for aging people.

I also think that it's great that keeps the costs down for these residents who would be in this home. I think that's a real plus for this type of arrangement. It also creates revenue for the county somewhat. Not a whole lot, but something. It's a very quiet use. It's a passive use. We're not going to see wild parties in the backyard or anything like that.

It is becoming much more common out west. We're not that familiar with it in this part of the country, but I think that as time goes on, we will become much more familiar with this type of residential use. I really feel that this is a good thing and I am applauding these applicants for coming forward and bravely putting forth their plan to a county that has probably nothing like this yet. So I am in favor.

David Stone:

Mr. Eldridge?

Charles Eldredge:

Yes. I want to note for the record that I was not present at the hearing, but I read the transcript. I agree with everything that has been said up to this point. I want to comment that I believe that all the standards have been met for a conditional use. I, myself, when I was a younger person, was end of life guardian for seven different relatives and had to provide for or arrange for their care for a number of years in some cases. And my experience of it is that it has very little impact outside the residence itself.

Even in one case where we were dealing with someone who was globally demented, who required multiple people there at all times, and in a large apartment building, there was no impact outside the apartment. The building didn't in fact know what was going on. And in spite of four years of this, there was simply no discussion of any sort by anybody that one of their neighbors was undergoing this type of care. So I believe that any concern people may have that this is going to be in any way disruptive is misplaced. So I will support the petition.

David Stone:

Mr. Smolinski?

Donald Smolinski:

Yes, I very strongly agree with the comments that Mrs. Gardner has put forth. I think that this is a use that's going to be needed more and more in this county. And any time you can have people live in a house rather than an institutional setting is a huge advantage for the care that's required for the elderly these days. So I believe that the applicant has met the conditional use requirements and I will support the petition.

David Stone:

Mr. Kosin?

Robert Kosin:

Hello. Thank you, Mr. Chairman. I have no dispute with the necessity for such a use. Apparently it is also recognized the necessity by our Illinois legislature creating a statutory framework for this, the county by creating this as a conditional use. But when I examine the location and the provisions that are required of the applicant, I cannot come forward and I wish to have a moment of time to reflect in terms of the location. This particular location is equal distant from two fire stations, not closer to one or the other, but two different. It is within 600 feet of the Fox River, of which the inhabitants are ones that have already been described as needing care and protection from the most basic needs of walking out of a building.

And when you look at the building itself and the floor plan that was presented, we noticed that one of the bedrooms does not have direct access out, but has a 12 foot path to enter a sliding door. Another bedroom has to pass through a mudroom, possibly through a garage with an overhead door. The doors themselves open inward and not outward like each one of us experienced today when we came to this meeting. When the applicant was before us, the applicant has no prior experience. In fact, it needed a signaturor to qualify for the purchasing of this lot. The applicant in fact mentioned several times upon questioning that those were good questions that we were asking rather than providing good answers.

And in economic discussion, one is sometimes heard to say, "Would you put your mother's money in this investment opportunity?" To turn it around, one could ask, would you put your mother's care in this facility? For that reason previously stated, I will not be supporting this application.

David Stone:

I tend to agree with the comments were made up to the time of Mr. Kosin. I agree with him that the drawings we had doesn't make it look like a Holiday Inn, but it probably isn't designed for that. Part of my thinking is that I had a sister-in-law who was in a facility similar to this, in Arizona, and that's a very popular way of providing medical help for the elderly in Arizona. So I'm going to vote yes. Mr. Eldredge?

Charles Eldredge:

Yes.

David Stone:

Ms. Gardner?

Vicki Gardner:

Yes.

David Stone:

Ms. Kooistra?

Linnea Kooistra:

Yes.

This transcript was exported on Dec 06, 2022 - view latest version [here](#).

David Stone:

Mr. Kosin?

Robert Kosin:

No.

David Stone:

Mr. Schnable.

Kurt Schnable:

Yes.

David Stone:

Mr. Smolinski.

Donald Smolinski:

Yes.

David Stone:

And Stone is yes. So we'll go to the board with the recommendation of approval six to one. That concludes this. So you're right.