

Staff Report for the McHenry County Zoning Board of Appeals

Application: #2024-031

PIN: Part of 14-17-426-009

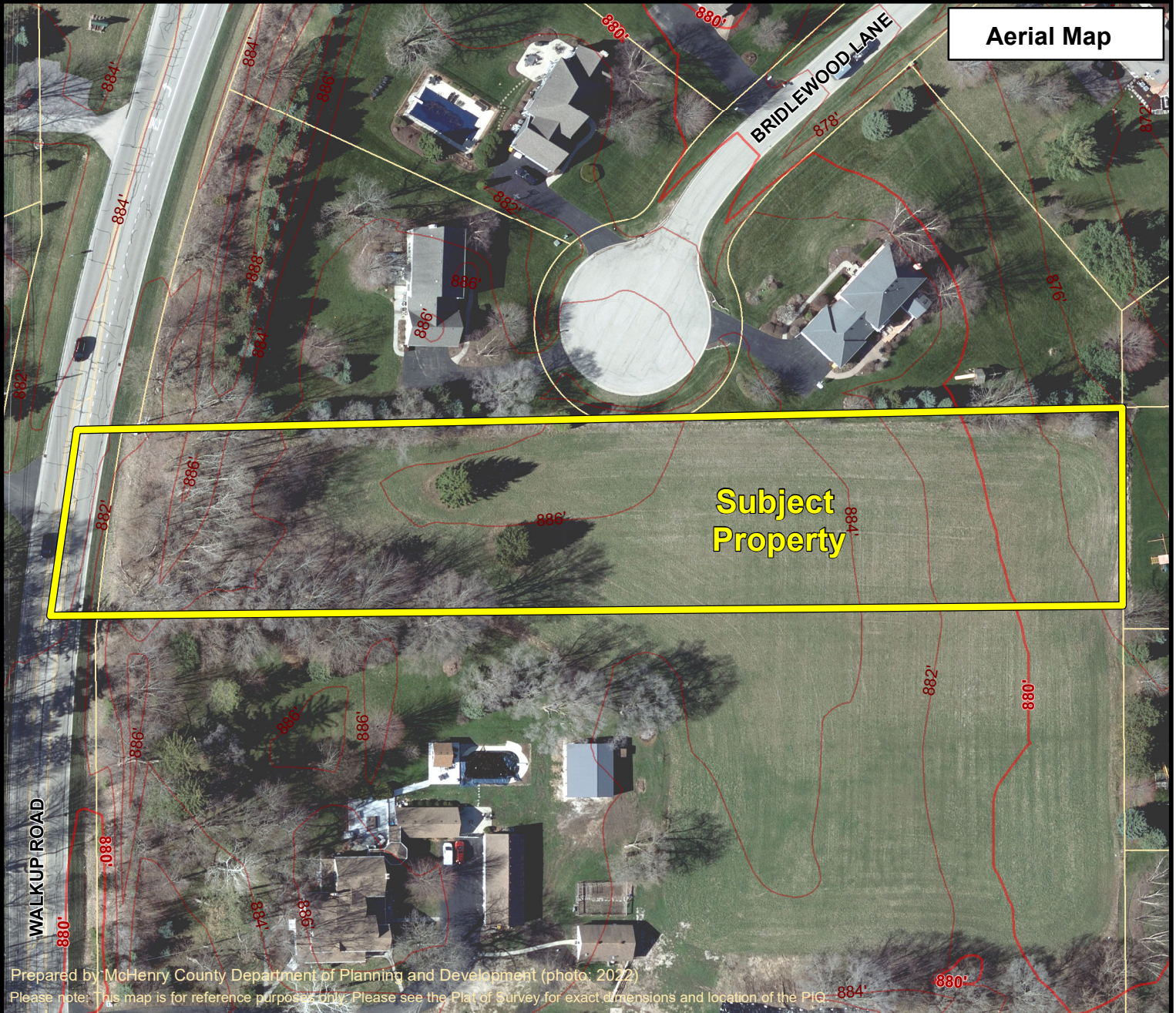
Address: 708 Walkup Road, Crystal Lake

Request: A-2 Agriculture District to E-1 Estate District with a variation to reduce the minimum lot frontage from one hundred fifty (150) feet to one hundred thirty-five (135) feet

Hearing: June 13, 2024

Applicant: David and Kimberly Mey

Location: The two point nineteen (2.19) acre tract is located on the East side of Walkup Road, approximately four hundred twenty-five (425) feet south of the intersection of Walkup Road and Crystal Springs Road, in Nunda Township.



Elevation

(feet above sea level)

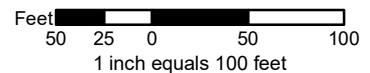
- 10-foot contours
- 2-foot contours

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



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STAFF COMMENTS

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

BACKGROUND & REQUEST SUMMARY

The applicant is requesting a map amendment from the A-2 Agriculture District to the E-1 Estate District on a two point nineteen (2.19) acre tract of land. The subject property was granted the A-2 Agriculture designation on October 17, 2023 (Case # 2022-043). According to the plat of survey, there are no improvements on this tract. The legal description of the proposed reclassification has one hundred thirty-five (135) feet of frontage along Walkup Road, which does not meet the minimum road frontage requirement of one hundred fifty (150) feet. Hence, the requested fifteen (15) foot variance request.

MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE

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

STAFF ANALYSIS

Current Land Use & Zoning

The property is currently zoned A-2 Agriculture and is not improved. The proposed reclassification is consistent with the predominate R-1 and E-1 zoning of the surrounding properties.

2030 Comprehensive Plan Future Land Use map

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

2030 Comprehensive Plan & 2030 and Beyond Analysis

The 2030 Comprehensive Plan and 2030 and Beyond supports the reclassification to E-1 Estate. There are potential impacts to natural and water resources on the site (*See comments below*).

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

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

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

- The subject property is about four hundred (400) feet to the south of the Village of Bull Valley.

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)

- The proposed reclassification, if granted, could allow a slight increase in density on the property. This increase in density would be consistent with the density of the area.

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 comments from Big Idea #1, above.

Big Idea #4 Let's expand our economy

No applicable text.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

"Promote increased density and compact contiguous development." (p. 15)

- The subject property is within close proximity to the Village of Bull Valley.

Agricultural Resources

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

- Reclassification does not, in and of itself, impact the ability to farm the property as agricultural is a permitted use in all zoning classifications.

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. This report notes that the subject property does have a high aquifer contamination potential however it is not within a Sensitive Aquifer Recharge Area. Please refer to attached NRI #L22-058-4449.

Water Resources

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

- The proposed reclassification does not, in and of itself, include any new improvements that would increase impervious surface area.

Economic Development

No applicable text.

Infrastructure

No applicable text.

STAFF ASSESSMENT

The applicant is requesting a map amendment from the A-2 Agriculture District to the E-1 Estate District on a two point nineteen (2.19) acre tract of land. The request is consistent with the Future Land Use map designation of Residential and the existing Estate and Single-Family Residential land uses of the area. Properties in the immediate vicinity are zoned either E-1 Estate, R-1 Residential or the one (1) acre A-1 Agriculture tract to the southeast. The subject property is not located in a sensitive aquifer recharge area (SARA).

In addition to the reclassification, the applicant is also seeking a variation to reduce the required lot frontage by fifteen (15) feet from one hundred fifty (150) feet to one hundred thirty-five (135) feet along Walkup Road.

Staff is not opposed to the map amendment.

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

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

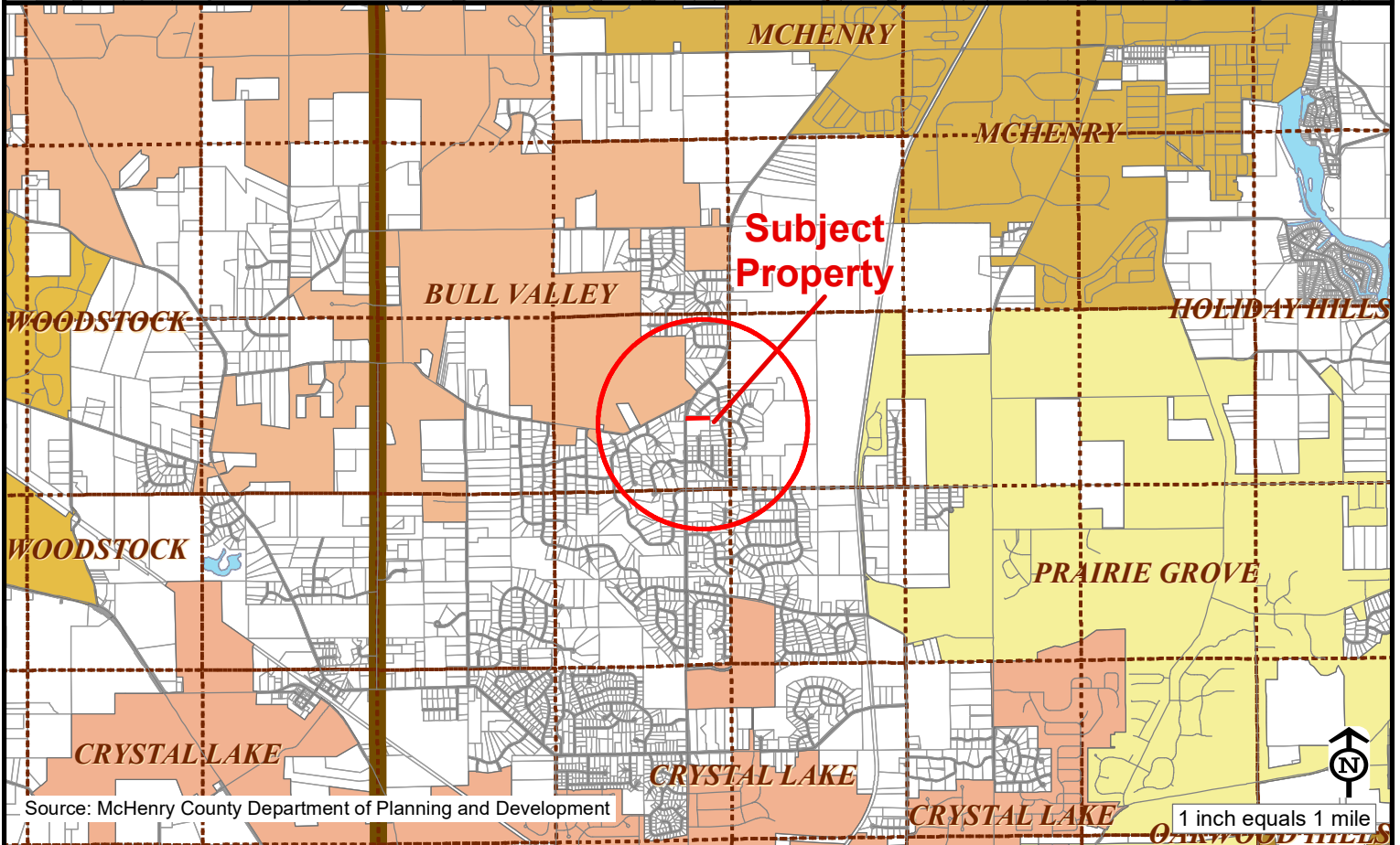
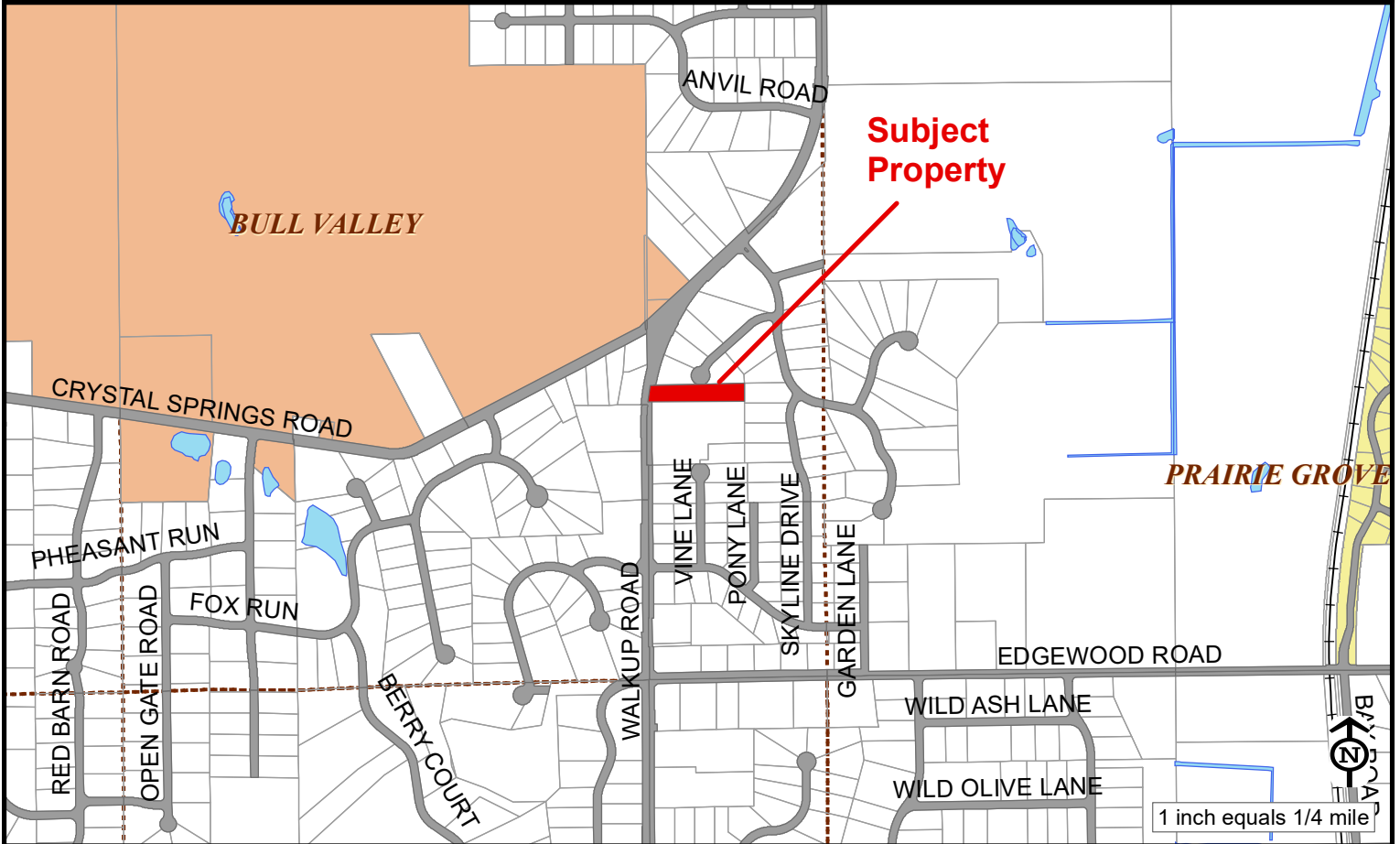
1. Approval Standards for Map Amendments.

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

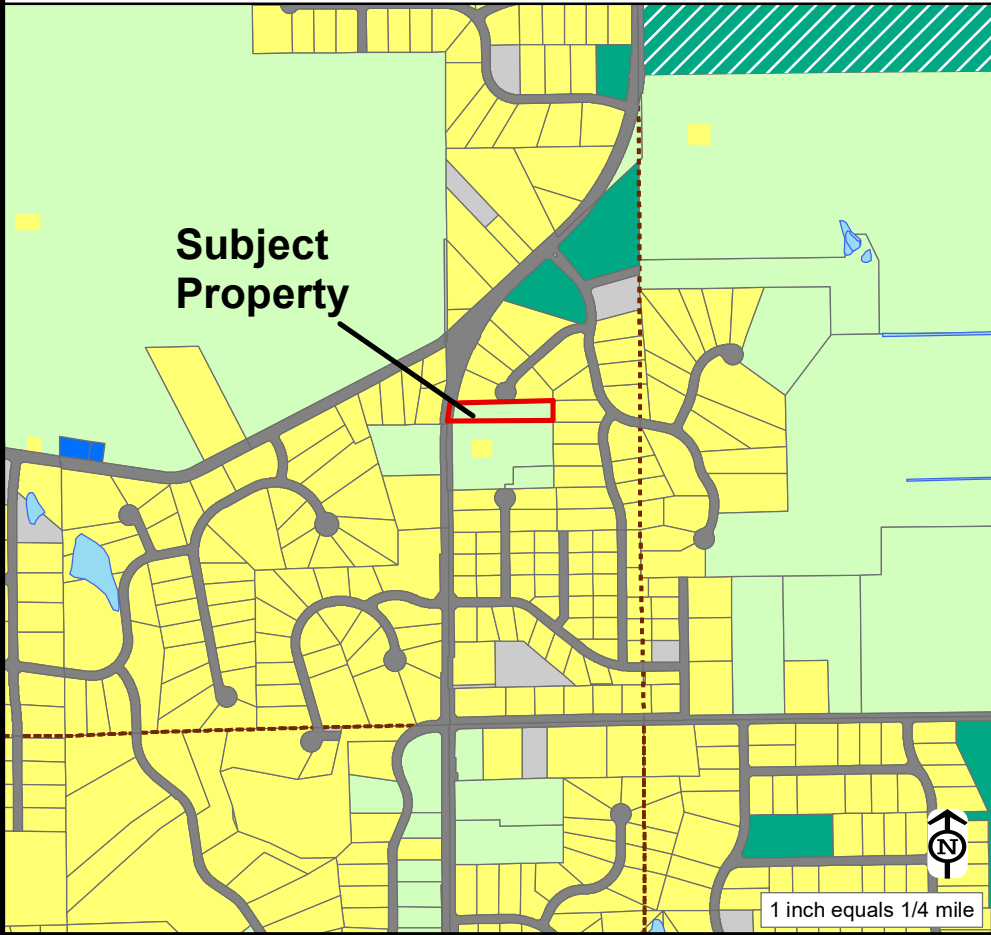
Section 16.20.020.F of the McHenry County Unified Development Ordinance

No zoning variation from the provisions of this Ordinance may be granted unless the Zoning Board of Appeals or Hearing Officer and County Board makes specific findings that the request meets each of the standards imposed by this section. These standards are as follows:

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 was carried out.
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.
3. The purpose of the variation is not based exclusively upon a desire to increase the monetary gain realized from the property.
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.
5. 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.
6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the 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.
7. That the granting of the variation requested will not confer on the applicant any special privilege that is denied by this Ordinance to other land or structure of the same zoning district.



Current Land Use Map



Current Land Use

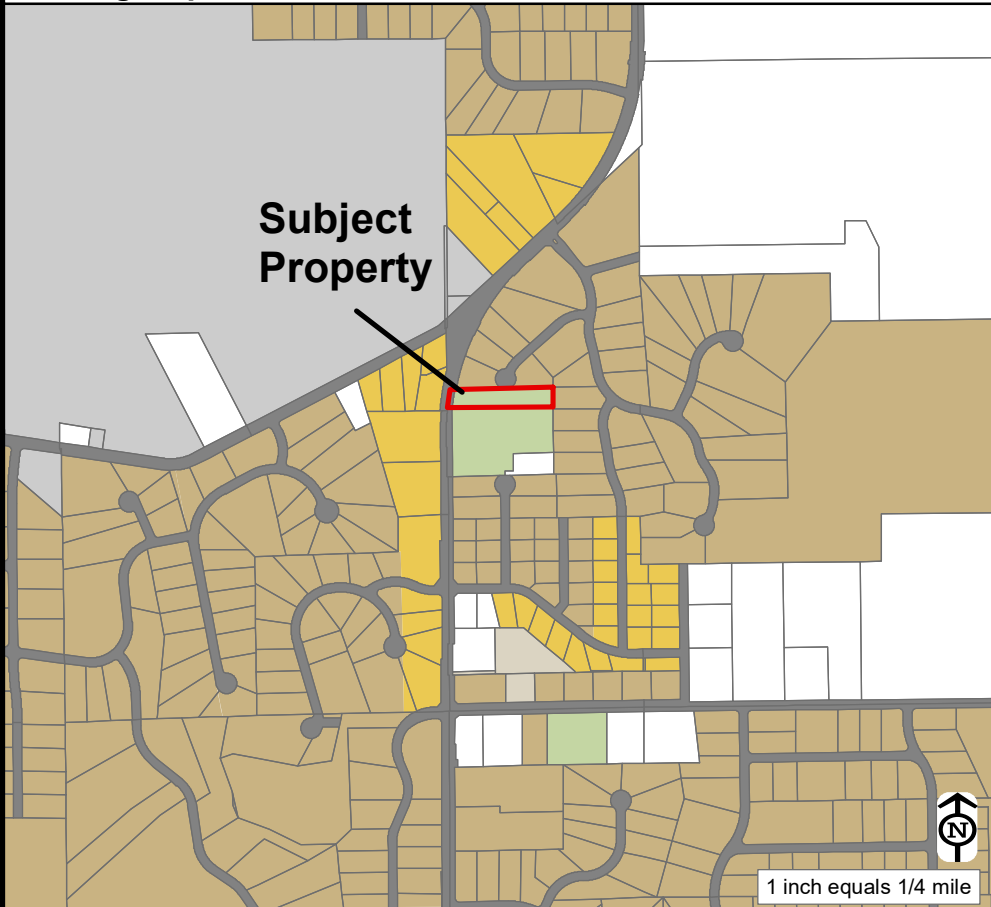
Agriculture

Adjacent Land Use(s)

North: *Single-Family Residential*
 South: *Agriculture & Single-Family Residential*
 East: *Single-Family Residential*
 West: *Single-Family Residential*

- 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

A-2 Agriculture

Adjacent Zoning

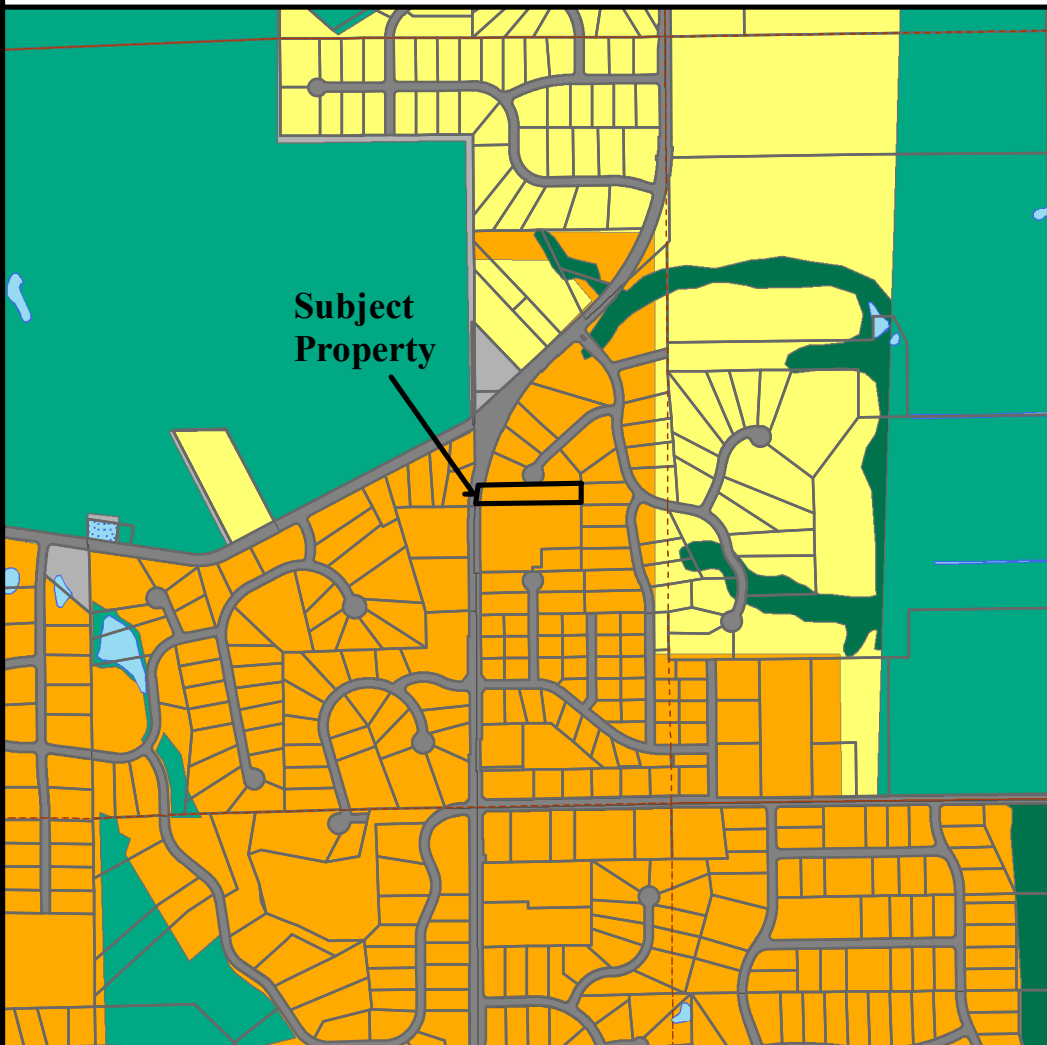
North: E-1 Estate
 South: A-2 Agriculture
 East: E-1 Estate
 West: R-1 Single Family Residential

- 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 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

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 = 1/4 mile
- 

Municipal / Township Plan Designations

Nunda Township: Existing Development – allow infill at similar use & density as to surrounding area

Village of Bull Valley: Residential 2-2.99 Acres

City of Crystal Lake: Estate Residential

Village of Prairie Grove: No Designation

McHenry County 2030 Comprehensive Plan -Text Analysis

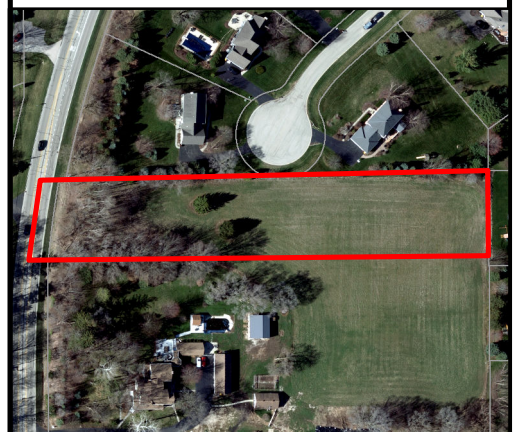
Land Use

Residential includes existing and proposed areas for single-family and multifamily residential uses at gross densities of less than one acre per dwelling unit. 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 NOT located in a zone with moderate contamination potential.

Sensitive Aquifer Recharge Areas (SARA)



 Sensitive Recharge Area