

IN THE MATTER OF THE APPLICATION )  
OF **MS 2022, LLC**, FOR A VARIATION OF THE ) #2024-025  
UNIFIED DEVELOPMENT ORDINANCE OF )  
MCHENRY COUNTY, ILLINOIS )

WHEREAS, your petitioners **MS 2022, LLC** have 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:

**LOTS 11 & 12 IN BLOCK 3 IN PISTAKEE HIGHLANDS UNIT #2, A SUBDIVISION OF PART OF SECTION 5, TOWNSHIP 45 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1953 AS DOCUMENT #268489 IN BOOK 11 OF PLATS, PAGE 86, IN MCHENRY COUNTY, ILLINOIS.**

**PIN 10-05-401-018 and 10-05-401-017**

More commonly known as **502 W. RINGWOOD ROAD, MCHENRY, ILLINOIS**

WHEREAS, the Petition requests no reclassification of the subject property from its present classification which is **“B-2” Neighborhood Business District and “R-1” Single Family Residential District, but a Variation be granted to the property to allow for a setback of nine and ninety-eight hundredths (9.98) feet instead of the minimum twenty (20) feet required from the rear (west) lot line.**

WHEREAS, the subject property consists of approximately **.49 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 for a setback of nine and ninety-eight hundredths (9.98) feet instead of the minimum twenty (20) feet required from the rear (west) lot line.**

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 a ***Variation to allow for a setback of nine and ninety-eight hundredths (9.98) feet instead of the minimum twenty (20) feet required from the rear (west) lot line.***

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: \_\_\_\_\_

McHenry Township  
PLAN REVIEW REPORT  
VARIATION REQUEST APPLICATION #2024-025

Hearing Date: May 14, 2024

**Applicant:** MS 2022, LLC, Owner of Record

**Request:** *Variation* within the **B-2 Neighborhood Business District and R-1 Single-Family Residential District** to allow for a setback of nine and ninety-eight hundredths (9.98) feet instead of the minimum twenty (20) feet required from the rear (west) lot line. (*McHenry County Unified Development Ordinance Table 16.36-1*)

**Location:** The subject property consists of approximately .49 acres and is located at the northwest corner of the intersection of Fox Lake Road and Ringwood Road.  
Common address: 502 West Ringwood Road, McHenry, Illinois in McHenry Township.  
PIN: 10-05-401-018 and 10-05-401-017

**Current Land Use:** The property is designated **COMMERCIAL AND VACANT** on the Current Land Use map.

**Adjacent Land Use:** North: *SINGLE-FAMILY RESIDENTIAL* East: *SINGLE-FAMILY RESIDENTIAL*  
South: *SINGLE-FAMILY RESIDENTIAL* West: *SINGLE-FAMILY RESIDENTIAL/VACANT*

**Current Zoning:** The property is currently zoned **B-2 Neighborhood Business District and R-1 Single-Family Residential District**.

**Adjacent Zoning:** North: *R-1 Single-Family Residential District* East: *R-1 Single-Family Residential District*  
South: *R-1 Single-Family Residential District* West: *R-1 Single-Family Residential District*

**2030 Plan:** The property is designated **RESIDENTIAL** on the *McHenry County Land Use Plan Map*.

**Improvements:** The subject property contains a concrete, block and brick commercial building, blacktop parking lot, trailer, and storage container, according to the Plat of Survey.

**Natural Resources:** The McHenry County ADID Wetland Inventory indicates the presence of a wetland in the northwest portion of the site, away from the proposed improvements to the building. Due to the size of the parcel, impact to natural resources from the proposed use is minimal, according to Natural Resources Inventory (NRI) Letter L24-037-4593.

**Flood Hazard Areas:** No floodplains were found on the site.

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

**SARA:** The site is located in a zone with elevated aquifer contamination potential, according to the McHenry County Sensitive Aquifer Recharge Area (SARA) map.

**Comments/ Conclusion:**

- Building Permit #K-4606 was applied for in 2023 to construct additions to the existing structure. The granting of this Zoning Variance application would make it possible for the applicants to continue their permit application review process and issuance.
- The applicant 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.

# Aerial Photo

502 West Ringwood Road, McHenry, Illinois



Photo: 2022

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.

0 25 50 100

Feet

**Elevation** (feet above sea level)

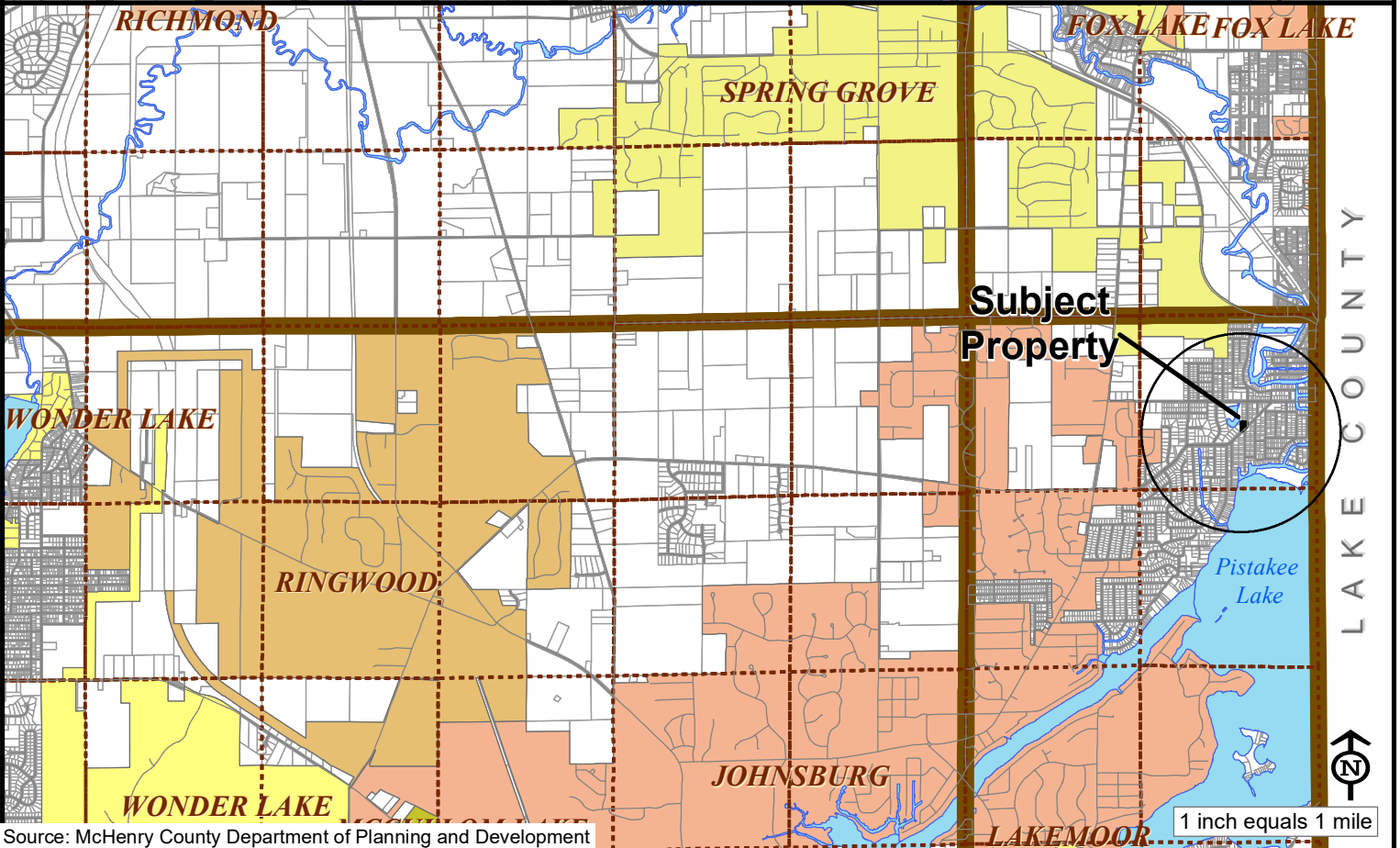
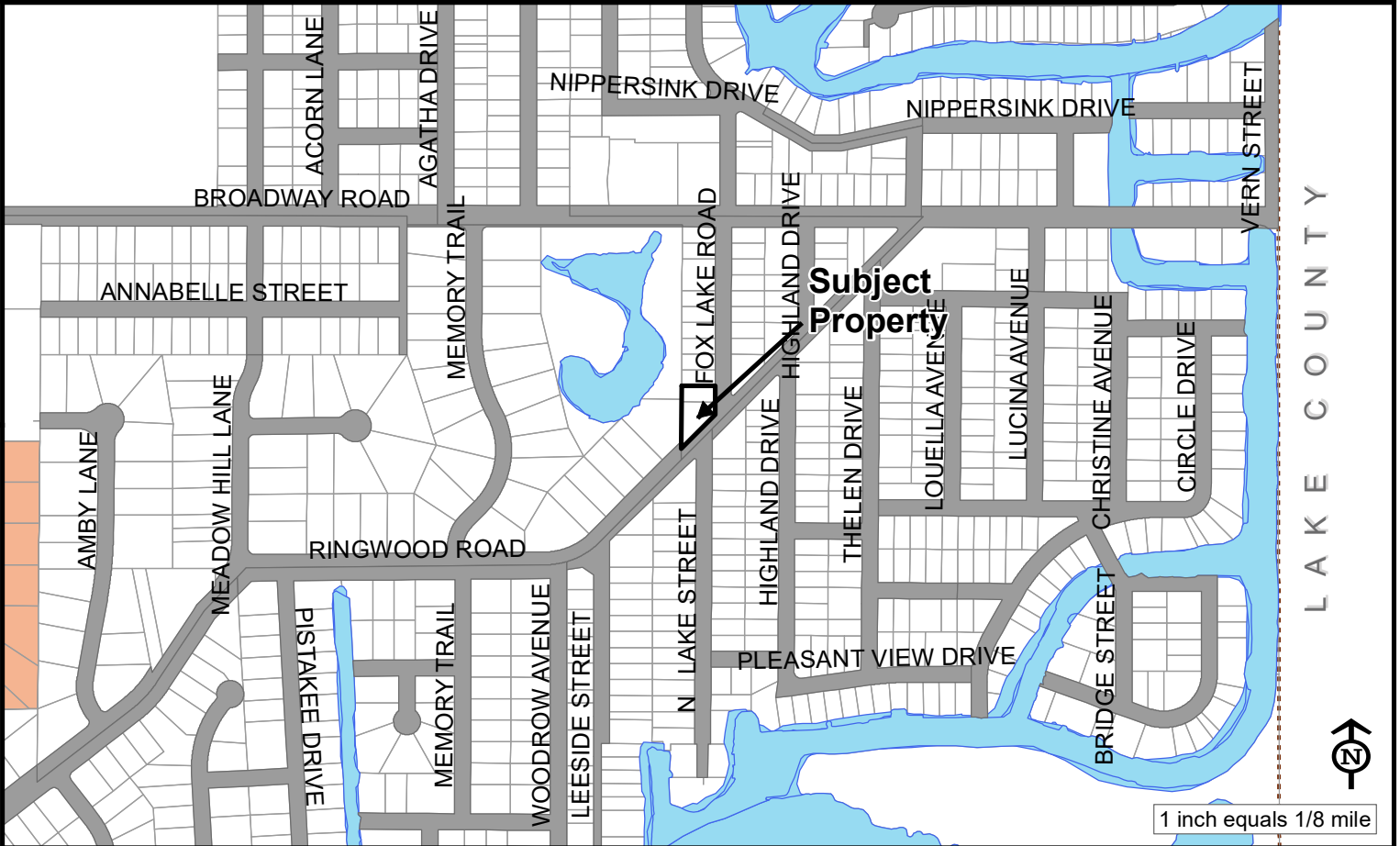
**ADID Wetland Map 2005**

— Contours

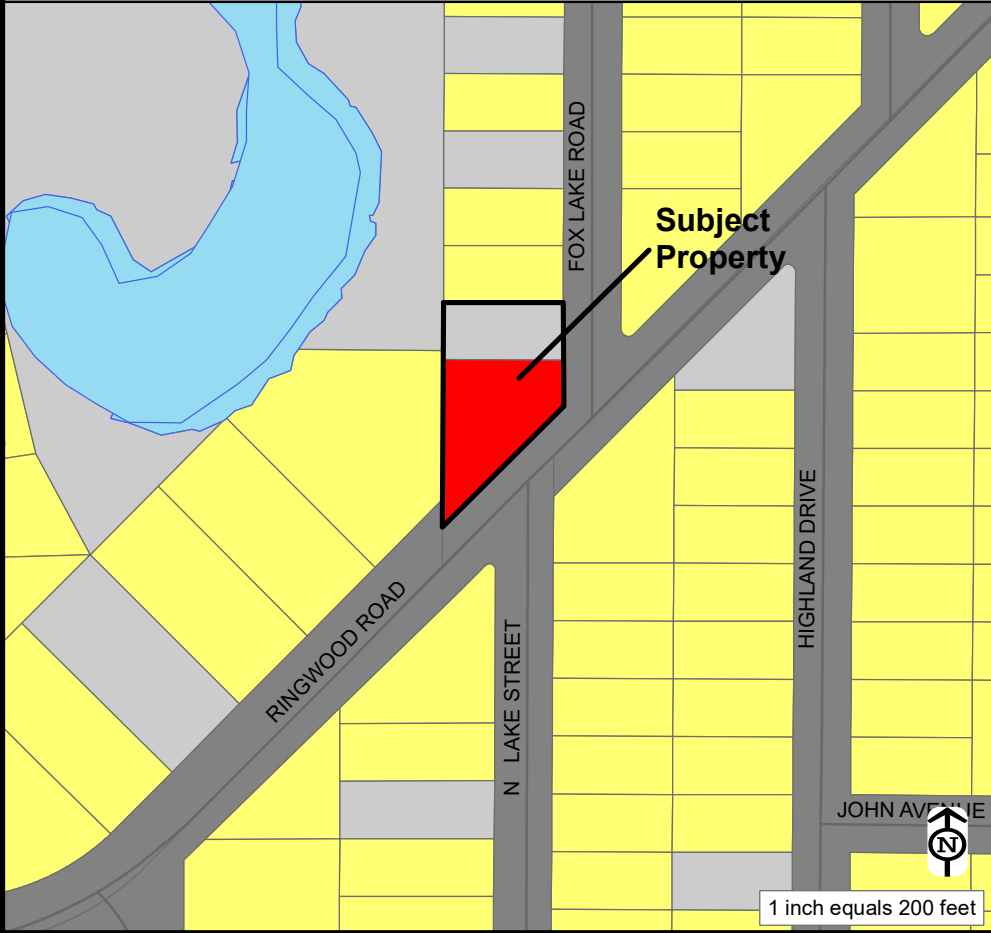


Prepared by the McHenry County  
Department of Planning and Development





**Current Land Use Map**



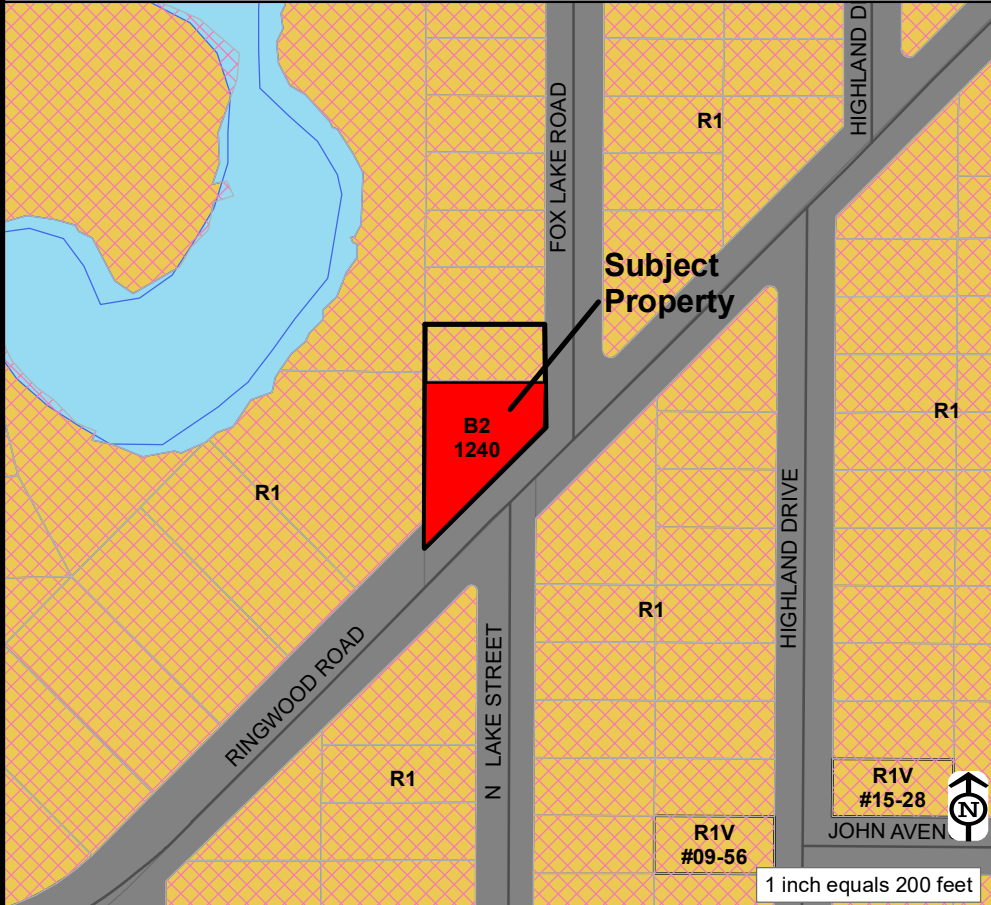
**Current Land Use**  
Commercial and Vacant

**Land Use Adjacent to the PIQ**

North: Single-Family Residential  
 South: Single-Family Residential  
 East: Single-Family Residential  
 West: Single-Family Residential and Vacant

- 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**

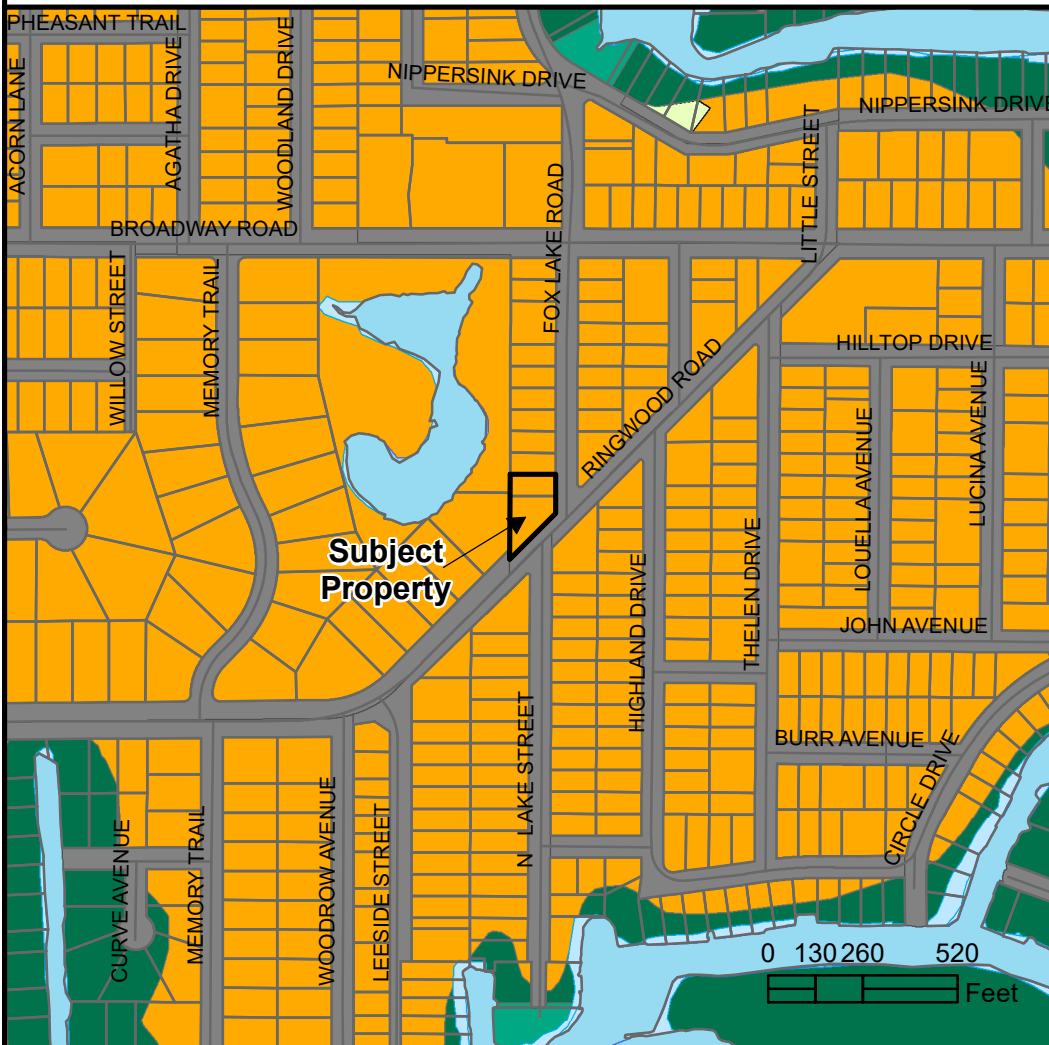
B-2 Neighborhood Business and  
 R-1 Single-Family Residential/LN

**Adjacent Zoning**

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

- 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 Neighborhood 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
- Legacy Neighborhood

# 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 = 1/10 mile

## Municipal/Township Plan Designations

McHenry Township: Residential

Fox Lake: Low Density Residential

Johnsburg: Medium Density Residential

Spring Grove: No Designation

## McHenry County 2030 Comprehensive Plan — Text Analysis

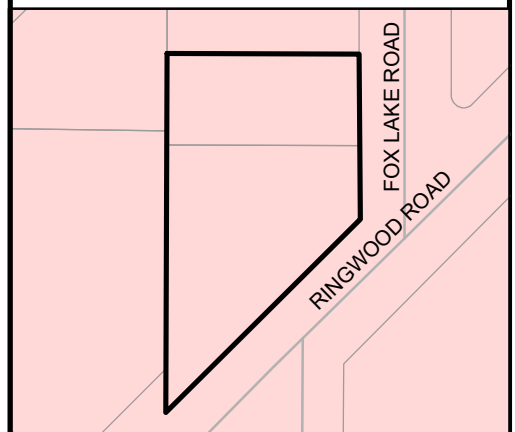
### Land Use

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.

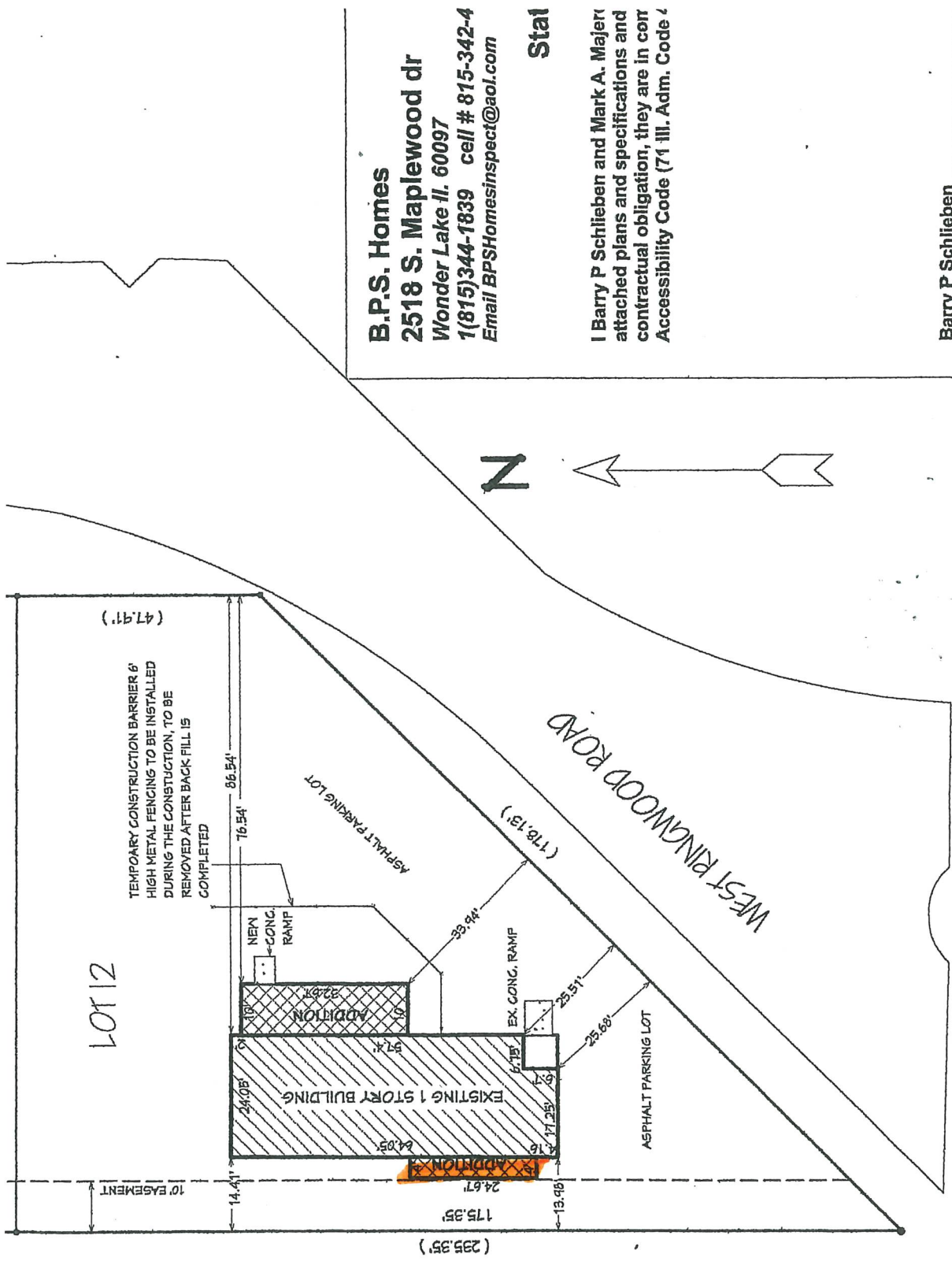
### Sensitive Aquifer Recharge Areas

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

## Sensitive Aquifer Recharge Areas (SARA)



- Sensitive Recharge Area

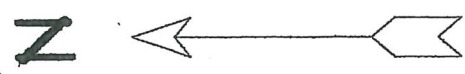


**B.P.S. Homes**  
**2518 S. Maplewood dr**  
 Wonder Lake IL 60097  
 1(815)344-1839 cell # 815-342-4  
 Email BPSHomesinspect@aol.com

**Stal**  
 I Barry P Schlieben and Mark A. Majercik  
 attached plans and specifications and  
 contractual obligation, they are in con  
 Accessibility Code (71 Ill. Adm. Code 4

Barry P Schlieben

Mark A. Majercik



**SITE PLAN 1" = 20' SCALE**

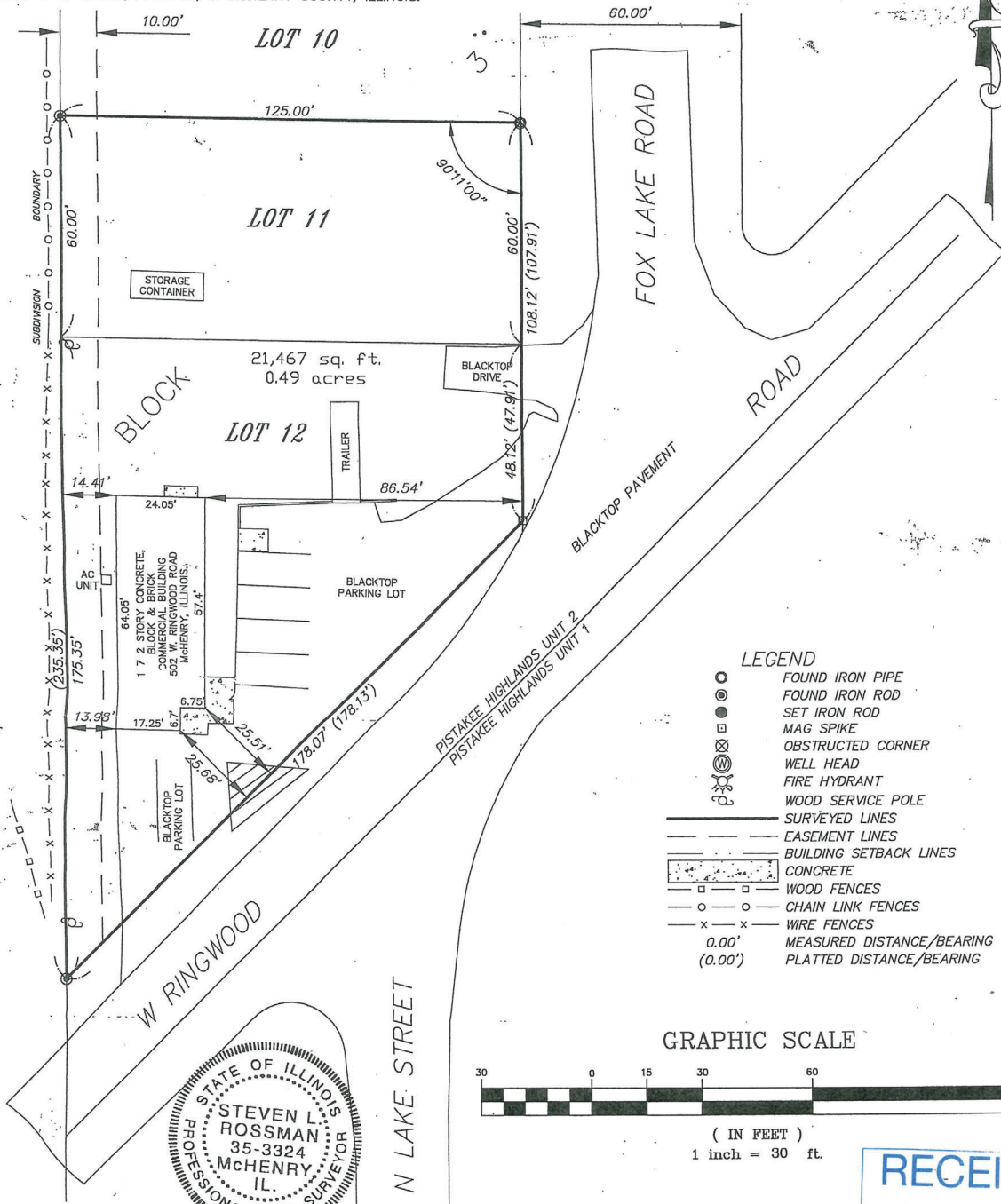
ALL DIMENSIONS AND BUILDING LOCATION TAKEN FROM THE OWNERS PLAT OF SURVEY DATED: 05/20/2022  
 PERFORMED BY: BASELINE PROFESSIONAL SERVICES CORP. JOB # 2204006  
 NOTE: THIS SITE PLAN PERTAINS TO THE BUILDING LOCATION ONLY, ALL MODIFICATIONS AS TO THE PARKING  
 LOT, STALLS AND GRADING BY OTHERS



# PLAT OF SURVEY

## OF PROPERTY DESCRIBED AS

LOTS 11 & 12 IN BLOCK 3 IN PISTAKE HIGHLANDS UNIT #2, A SUBDIVISION OF PART OF SECTION 5, TOWNSHIP 45 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1953 AS DOCUMENT #268489 IN BOOK 11 OF PLATS, PAGE 86, IN MCHENRY COUNTY, ILLINOIS.



STATE OF ILLINOIS)  
COUNTY OF MCHENRY)

I, STEVEN L. ROSSMAN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3324, HEREBY CERTIFY THAT UNDER MY DIRECTION I HAVE CAUSED THE ABOVE DESCRIBED PROPERTY TO BE SURVEYED AND THAT ACCORDING TO THE FOUND ARTIFICIAL MONUMENTATION AND THAT THE PLAT DRAWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

*SLR* 5-21-2022  
LICENSE EXPIRES 11/30/22

PROFESSIONAL  
DESIGN FIRM  
NO. 184-004015

NOTE: COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE. NO DISTANCE SHOULD BE ASSUMED BY SCALING. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS SHOWN AND NOTED. NO REPRESENTATION AS TO OWNERSHIP, USE, OR POSSESSION SHOULD BE HEREON IMPLIED. REFER TO ABSTRACT, TITLE OR LOCAL ORDINANCES FOR ANY ADDITIONAL RESTRICTIONS, EASEMENTS OR BUILDING LINES. NO ABSTRACT, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED THE SURVEYOR. THERE MAY EXIST DOCUMENTS OF RECORD WHICH WOULD AFFECT THIS PARCEL. THIS PLAT OF SURVEY IS ONLY FOR THE USE AND BENEFIT OF THE PREPARED FOR NAMED HEREON. THIS DOCUMENT IS PROHIBITED FROM BEING RECORDED AT ANY GOVERNMENT AGENCY WITHOUT THE WRITTEN PERMISSION OF STEVEN L. ROSSMAN ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 35-3324.

RECEIVED

MAR 19 2024

ZONING DIVISION

RAISED CORPORATE SEAL  
DENOTES CERTIFIED COPY  
COPYRIGHT (c) 2022  
BASELINE PROFESSIONAL SERVICES CORP.

JOB # 220400G	CHECKED BY: S.L.R.	FIELD WORK: 5/20/22	SCALE: 1"=30'	SHEET: 1/1	PREPARED FOR: Kenneth E. Nedza
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**McHENRY-LAKE COUNTY  
SOIL & WATER  
CONSERVATION DISTRICT**



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

March 20, 2024

Steven J. Cuda  
Hamer, Schuh & Cuda  
101 Van Buren Street  
Woodstock, IL 60098

Re: Parcel # 10-05-401-018  
Common Location: 502 W. Ringwood Road, McHenry, IL 60051  
NRI# L24-037-4593  
Zoning Change: B2 to B2 Variance

Dear Mr. Cuda:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for a Natural Resource Information Report on the MS 2022, LLC property as applied for in Report #L24-037-4593. Due to size of parcel being rezoned 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.

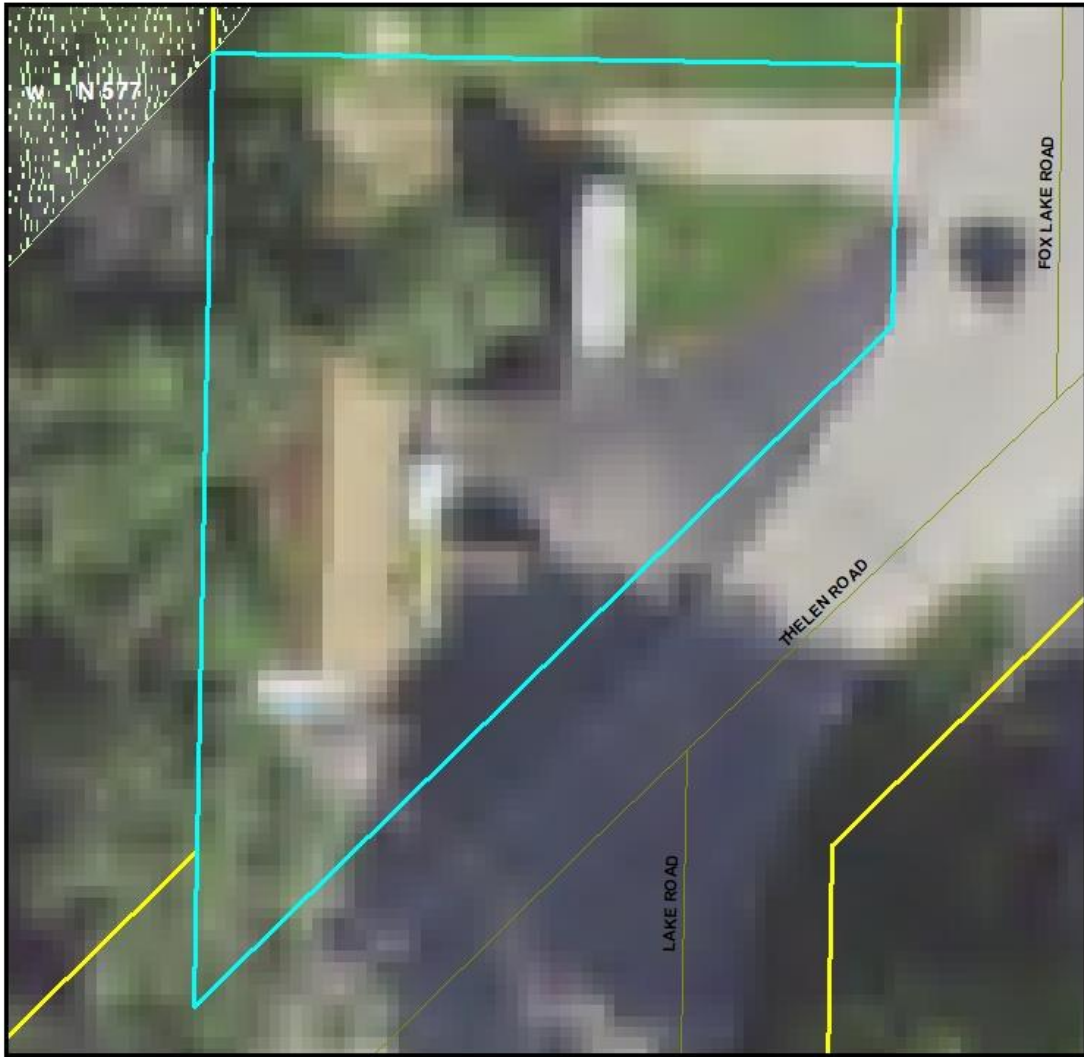
Earthwork in or near a wetland requires a permit from the Army Corps of Engineers or the McHenry County Department of Planning & Development. The McHenry County ADID Wetland Inventory indicates the presence of a Wetland adjacent to the parcel to the northwest (see attached ADID Wetland Locations Map). A jurisdictional wetland delineation may need to be performed on this parcel before any additional construction occurs. 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

# ADID Wetland Locations



0 5 10 20 30 40 Feet

2019 Aerial Photograph  
Produced By: McHenry-Lake County Soil & Water Conservation District



Key To Features	
	farmed wetland
	high functional wetland
	high quality lake
	high quality wetland
	lake
	wetland

**HEARING OFFICER REPORT TO THE MCHENRY  
COUNTY BOARD IN THE MATTER OF PETITION #2024-025**

1. **Recommendation:** Approve
2. **Applicant:** MS 2022, LLC, Owner of Record
3. **Request:** Variation within the B-2 Neighborhood Business District and R-1 Single-Family Residential District to allow for a setback of nine and ninety-eight hundredths (9.98) feet instead of the minimum twenty (20) feet required from the rear (west) lot line. (McHenry County Unified Development Ordinance Table 16.36-1)
4. **Location and size of property in question:** The subject property consists of approximately .49 acres and is located at the northwest corner of the intersection of Fox Lake Road and Ringwood Road. Common address: 502 West Ringwood Road, McHenry, Illinois in McHenry Township. PIN: 10-05-401-018 and 10-05-401-017
5. **Present at hearing:**  
Applicants: Sam Shah, Manager of MS 2022, LLC, Owner of Record, and Mehul Patel  
Attorney: Steve Cuda  
Michael J. McNerney, Hearing Officer  
Kim Scharlow, County Staff  
Public: Michael Neises, Nicole Neises, Mike Plachy, Lynnea Fung, Hamid Shamsipour, Frances Shamsipour, Jennifer Campbell, William Cambell
6. **Date, time and location of the hearing:** May 14, 2024 at 11:00a.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 L24-037-4593.
8. **Summary of Testimony at the hearing:**

The Hearing Officer opened the meeting and described the property and the request.

Mr. Cuda stated that his clients are requesting a variation of the rear yard setback from the required twenty (20) feet to nine (9) feet [sic] which would allow them to complete an addition of approximately four (4) feet by twenty-six (26) feet. The addition would allow them space to upgrade the indoor cooler of their neighborhood convenience store. He stated that part of the hardship is due to how the Unified Development Ordinance classifies the front and rear sides of a corner lot.

Mr. McNerney asked Staff to explain the status of the building permit. Staff stated that the applicant's building permit is pending the outcome of the variation request. Some Building Division comments will need to be addressed by the applicant. Upon review and approval, the permit will be issued. Mr. McNerney asked if the permit was legally applied for. Staff stated that it was and that there are no pending violations.

Mr. McNerney asked Staff to address how the Unified Development Ordinance (UDO) classifies a yard. Staff stated that the site is on a corner. The UDO does indicate that the narrower of the two sides that have street frontage is considered the front. The opposite side from that would be considered the rear. That is why this has a 20-foot setback requirement rather than it being considered a side yard which would only need 10 feet.

Mr. McNerney asked how long the building has been on the site. Mr. Shah stated that it has been there since 1965.

Mr. Cuda addressed the Approval Standards for Variation with his clients.

Mr. Campbell, a neighbor, expressed concern with the proposed setback. Mr. Cuda stated that his clients will commit to working with Mr. Campbell and the county to provide fencing and some type of buffer.

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

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

The Witnesses have 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