

IN THE MATTER OF THE APPLICATION)
OF **FRANCES L. SHAMSIPOUR AND HAMID SHAMSIPOUR**,) #2024-023
FOR A VARIATION OF THE UNIFIED DEVELOPMENT)
ORDINANCE OF McHENRY COUNTY, ILLINOIS)

WHEREAS, your petitioners **FRANCES L. SHAMSIPOUR AND HAMID SHAMSIPOUR** 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:

Lot 91 in Knoll Top Subdivision Unit No. 6, being a Subdivision of part of the Southwest Quarter of Section 23 and part of the Northwest Quarter of Section 26, Township 43 North, Range 6 East of the Third Principal Meridian, according to the Plat thereof recorded May 18, 1977 as Document No. 695056 in McHenry County, Illinois.

PIN 17-23-377-008

More commonly known as **10013 Fair Lane, Union, Illinois**

WHEREAS, the Petition requests no reclassification of the subject property from its present classification which is **“E-1” Estate District, but a Variation be granted to the property to allow for a setback of five and nine tenths (5.9) feet instead of the minimum ten (10) feet required from the south lot line for a shed.**

WHEREAS, the subject property consists of approximately **1.151 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 five and nine tenths (5.9) feet instead of the minimum ten (10) feet required from the south lot line for a shed.**

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 five and nine tenths (5.9) feet instead of the minimum ten (10) feet required from the south lot line for a shed.***

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: _____

Coral Township
PLAN REVIEW REPORT
VARIATION REQUEST APPLICATION #2024-023

Hearing Date: May 14, 2024

Applicant: Frances L. Shamsipour and Hamid Shamsipour, Owners of Record

Request: *Variation* within the **E-1 Estate** district to allow for a setback of five and nine-tenths (5.9) feet instead of the minimum ten (10) feet required from the south lot line for a shed. (*McHenry County Unified Development Ordinance §16.56.050.A.2.c*)

Location: The subject property consists of approximately 1.151 acres and is located on the west side of Fair Lane, approximately one-half (.5) mile north of the intersection of Fair Lane and Church Road. Common address: 10013 Fair Lane, Union, Illinois in Coral Township. PIN: 17-23-377-008

Current Land Use: The property is designated **SINGLE-FAMILY RESIDENTIAL** 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*

Current Zoning: The property is currently zoned **E-1 Estate District**.

Adjacent Zoning: North: *E-1 Estate District* East: *E-1 Estate District*
South: *E-1 Estate District* West: *E-1 Estate District*

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

Improvements: The subject property contains a one-story brick and frame residence, deck, pool with concrete decking and barrier fence, a frame shed, and a blacktop driveway, according to the Plat of Survey. The property also contains a detached garage that was constructed in 2023.

Natural Resources: No wetlands were found on the site. Due to the size of the parcel, impact to natural resources from the proposed use is minimal, according to Natural Resources Inventory (NRI) Letter L24-036-4592.

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

Flood-of-Record: Historic flood-of-record was identified at the far west side of the property, adjacent to the existing pond. (USGS Marengo South Quadrant HA-463. F.I.R.M. Panel #0300J)

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:

- Building Permit #K-5477 was applied for in March of 2024 to construct the subject shed. The applicants were notified that the proposed shed did not meet the minimum ten (10) foot setback from the south lot line. The granting of this Zoning Variance application would make it possible for the applicants to complete their pending building permit application.
- 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

10013 Fair Lane, Union, Illinois

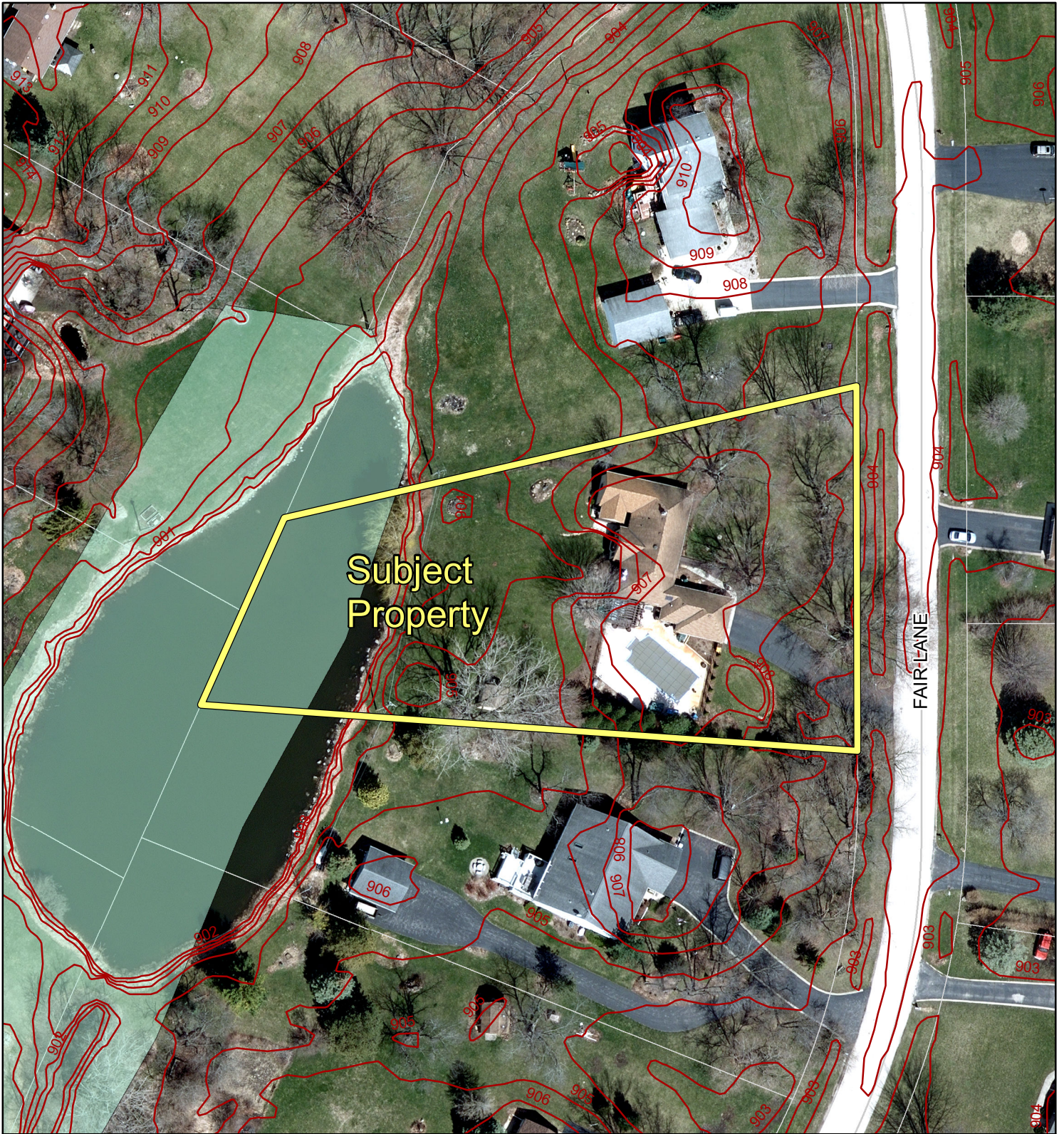


Photo: 2022

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 37.5 75 150

Feet

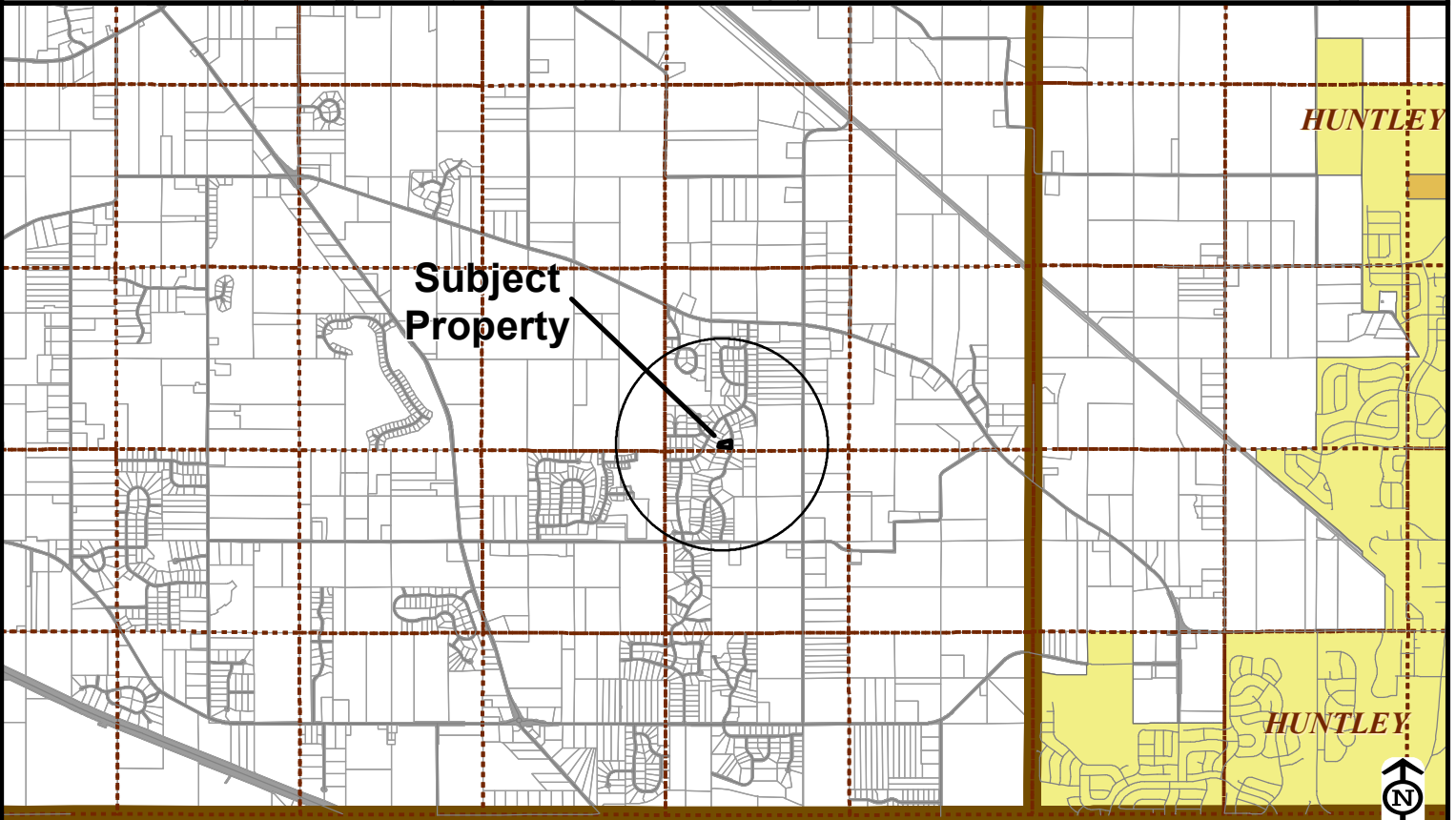
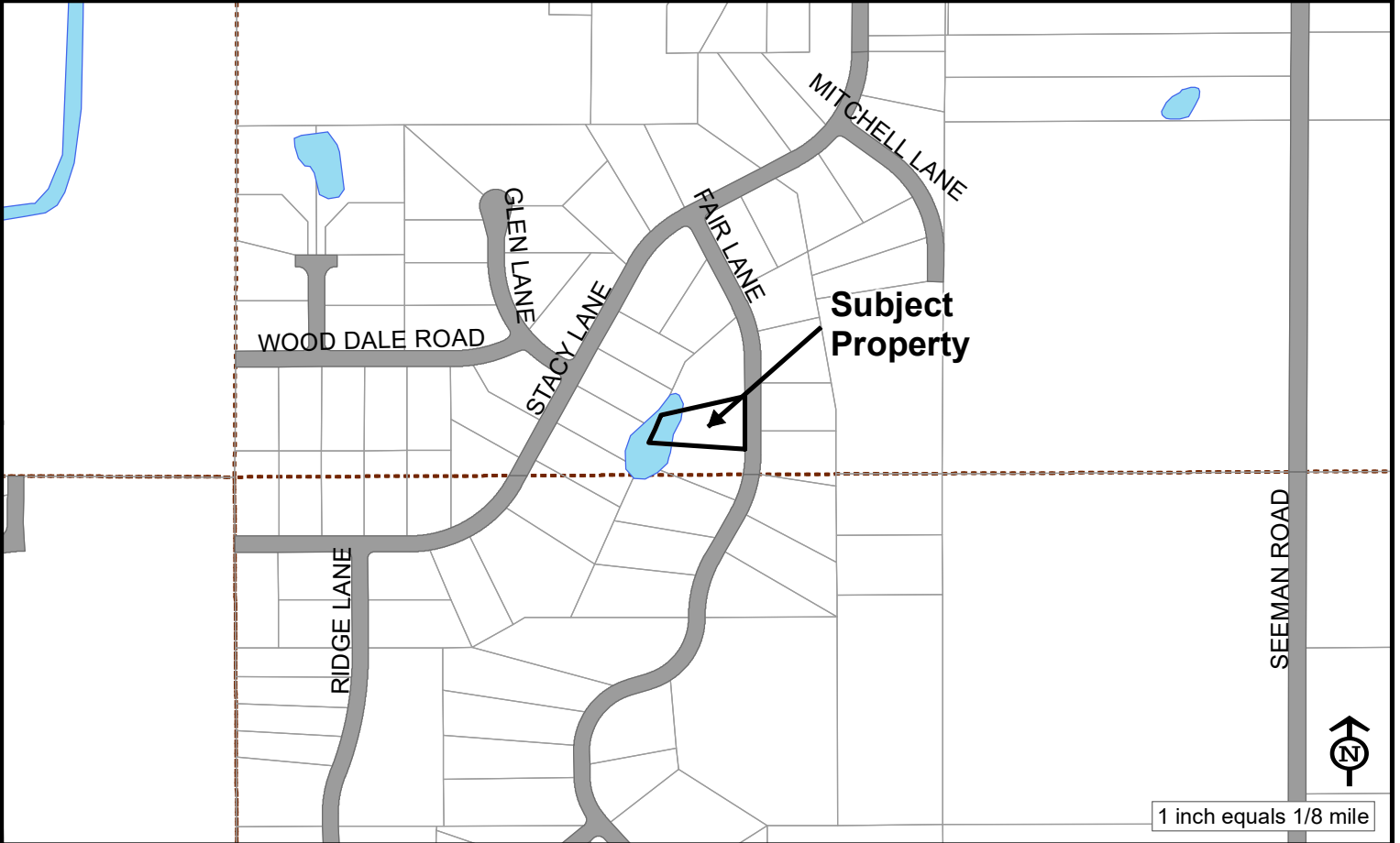
Elevation (feet above sea level) **Historic Flood Zone**

— Contours

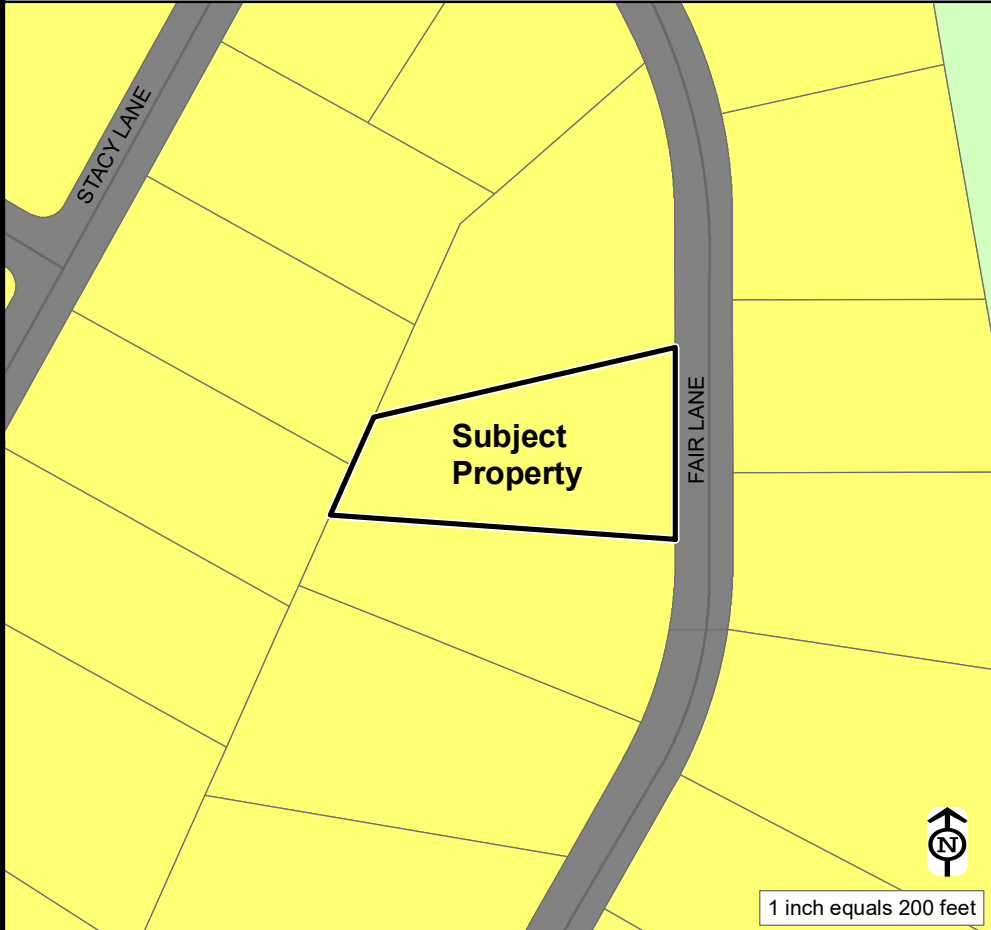


Prepared by the McHenry County
Department of Planning and Development





Current Land Use Map



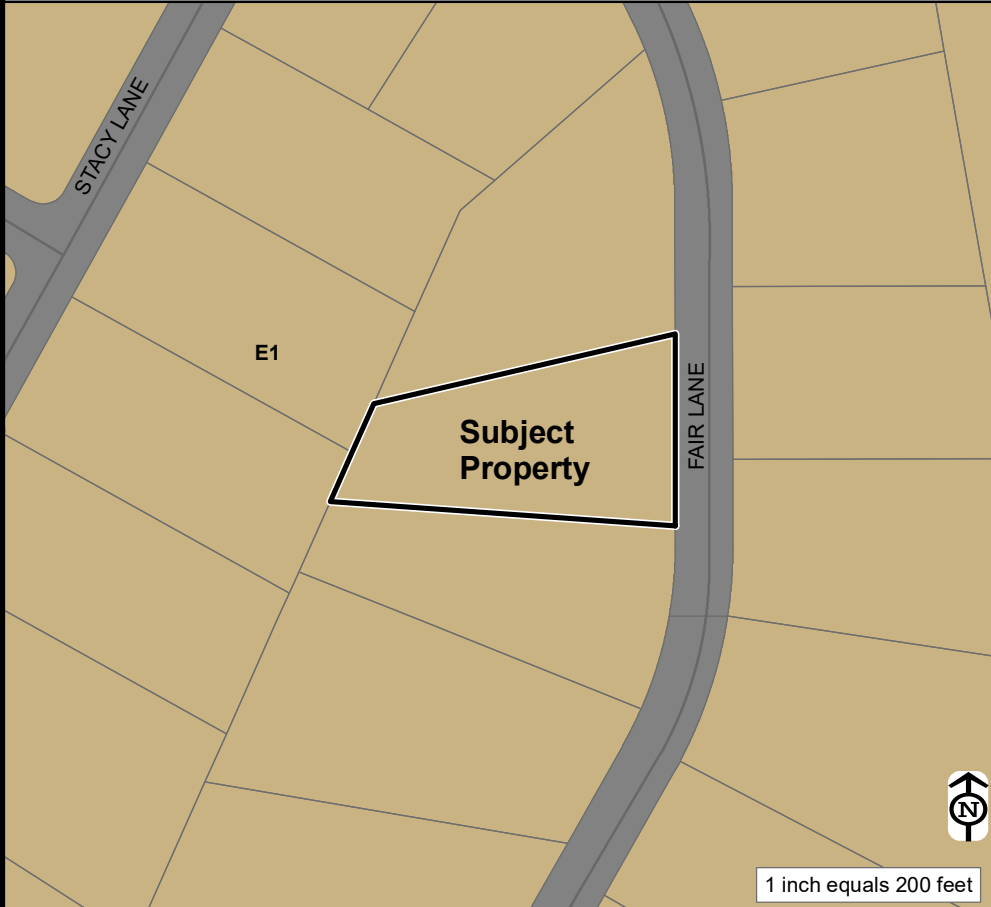
Current Land Use
Single-Family Residential

Land Use Adjacent to the PIQ

North: Single-Family Residential
South: 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
E-1 Estate

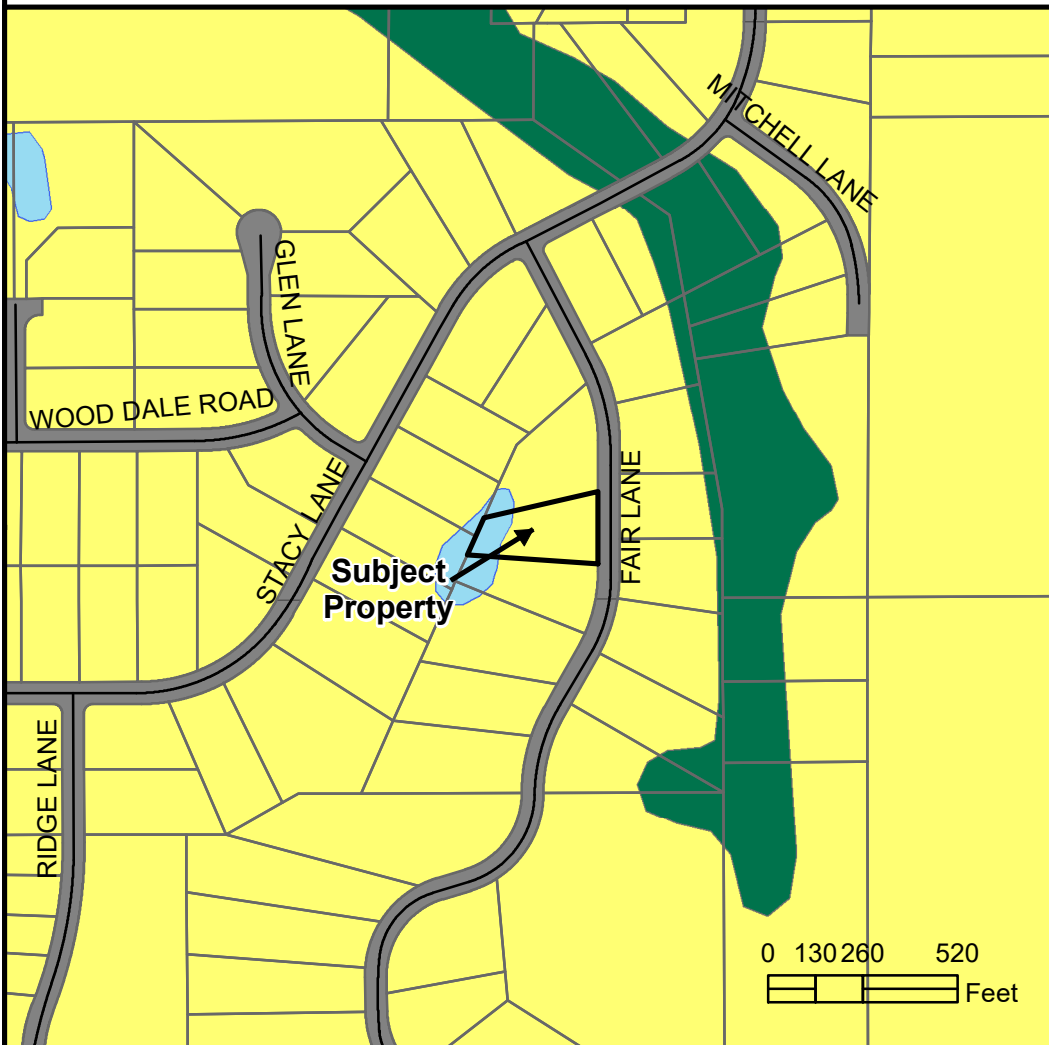
Adjacent Zoning

North: E-1 Estate
South: E-1 Estate
East: E-1 Estate
West: E-1 Estate

- 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
- Legacy Neighborhood

McHenry County 2030 Comprehensive Plan Future Land Use Map

Future Land Use Map Designation



- Estate*
- Agricultural
 - Open Space
 - Environmentally Sensitive Area
 - Estate
 - Isolated Estate
 - Residential
 - Isolated Residential
 - Retail
 - Mixed Use
 - Office, Research, Industrial
 - Gov't, Institutional, Utilities
 - R TOD Existing Rail Station
 - R TOD Future Rail Station
 - X Active Earth Extraction Site
 - Municipality
- Scale: 1 inch = 1/10 mile

Municipal/Township Plan Designations

Coral Township: Medium Density Residential

McHenry County 2030 Comprehensive Plan — Text Analysis

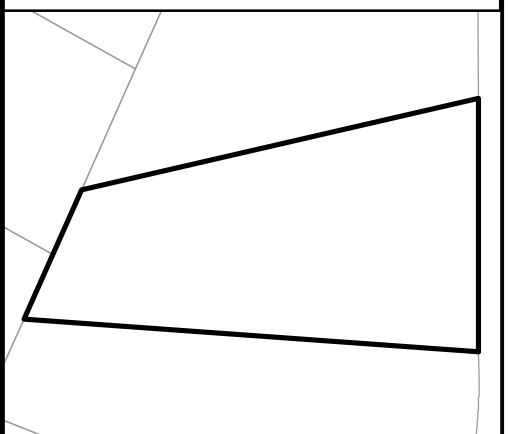
Land Use

Estate includes existing and proposed areas for single-family residential uses at gross densities of one to five acres per dwelling unit. Estate land use is generally designated in areas that are not projected to have access to public sewer and water. Where appropriate, conservation design is encouraged in order to cluster lots and maintain open space within estate developments. Increased estate densities are encouraged where appropriate; however, estate development in close proximity to a municipality should take into consideration that municipality's densities (p. 134).

Sensitive Aquifer Recharge Areas

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

Sensitive Aquifer Recharge Areas (SARA)

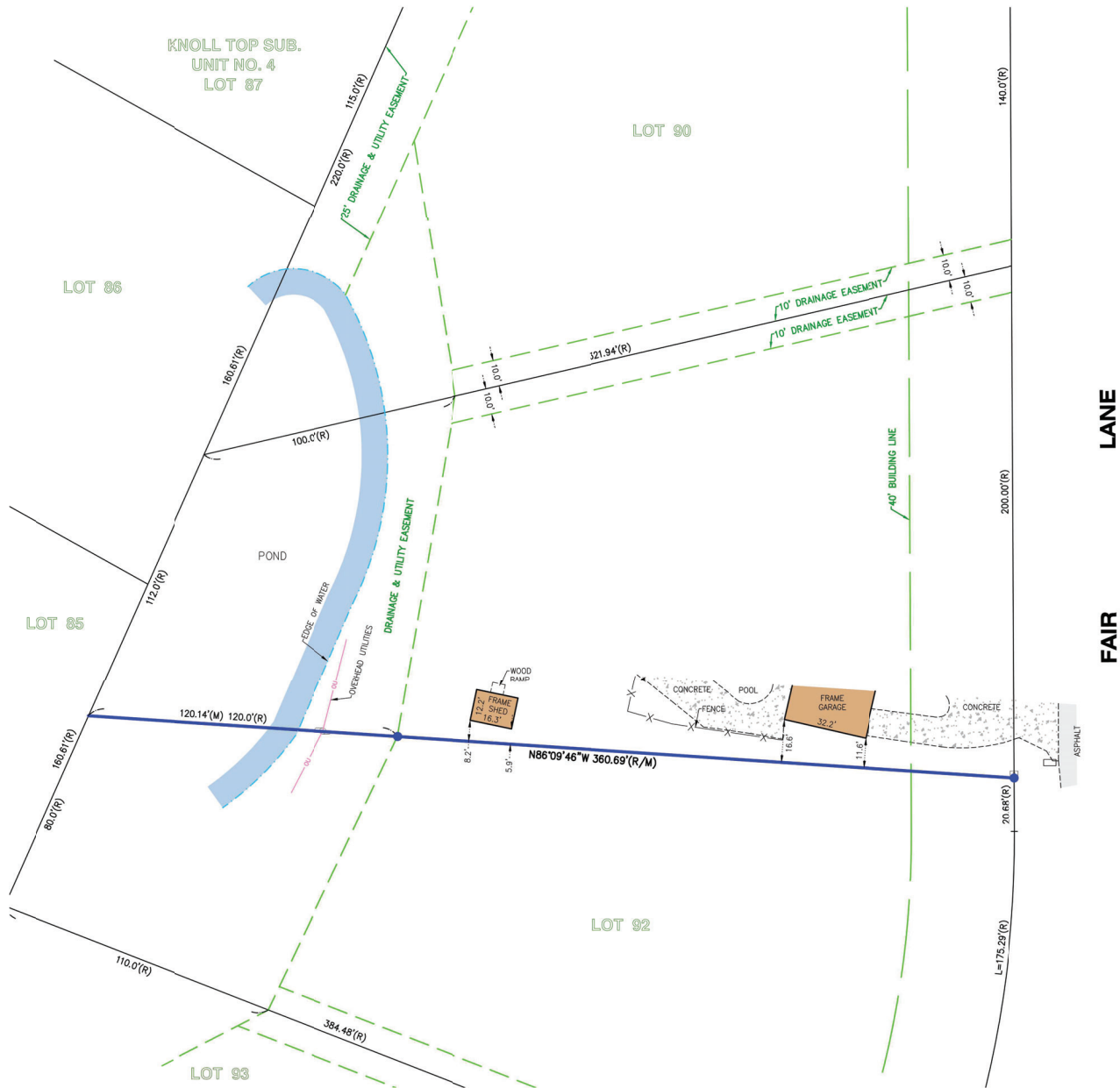


- Sensitive Recharge Area

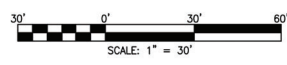
PLAT OF SURVEY

SITE PLAN

The South line of Lot 91 in Knoll Top Subdivision Unit No. 6, being a subdivision of part of the Southwest Quarter of Section 23 and part of the Northwest Quarter of Section 26, Township 43 North, Range 6 East of the Third Principal Meridian, according to the Plat thereof recorded May 18, 1977, as Document No. 695056, in McHenry County, Illinois.



LEGEND	
•	DOWN GUY
●	FOUND IRON BAR
□	MAIL BOX
⊙	SEPTIC LID
⊠	TELEPHONE RISER
⊕	UTILITY POLE
⬅	YARD LIGHT
(R)	RECORD
(M)	MEASURE



NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.

- * 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.
- * This Survey and Plat of Survey are void without original embossed or colored seal and signature affixed.

STATE OF ILLINOIS)
COUNTY OF McHENRY) S.S.

In my professional opinion, and based on my observations, I hereby certify that we have surveyed the premises above described, and that the plat hereon is a true representation of the said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey.

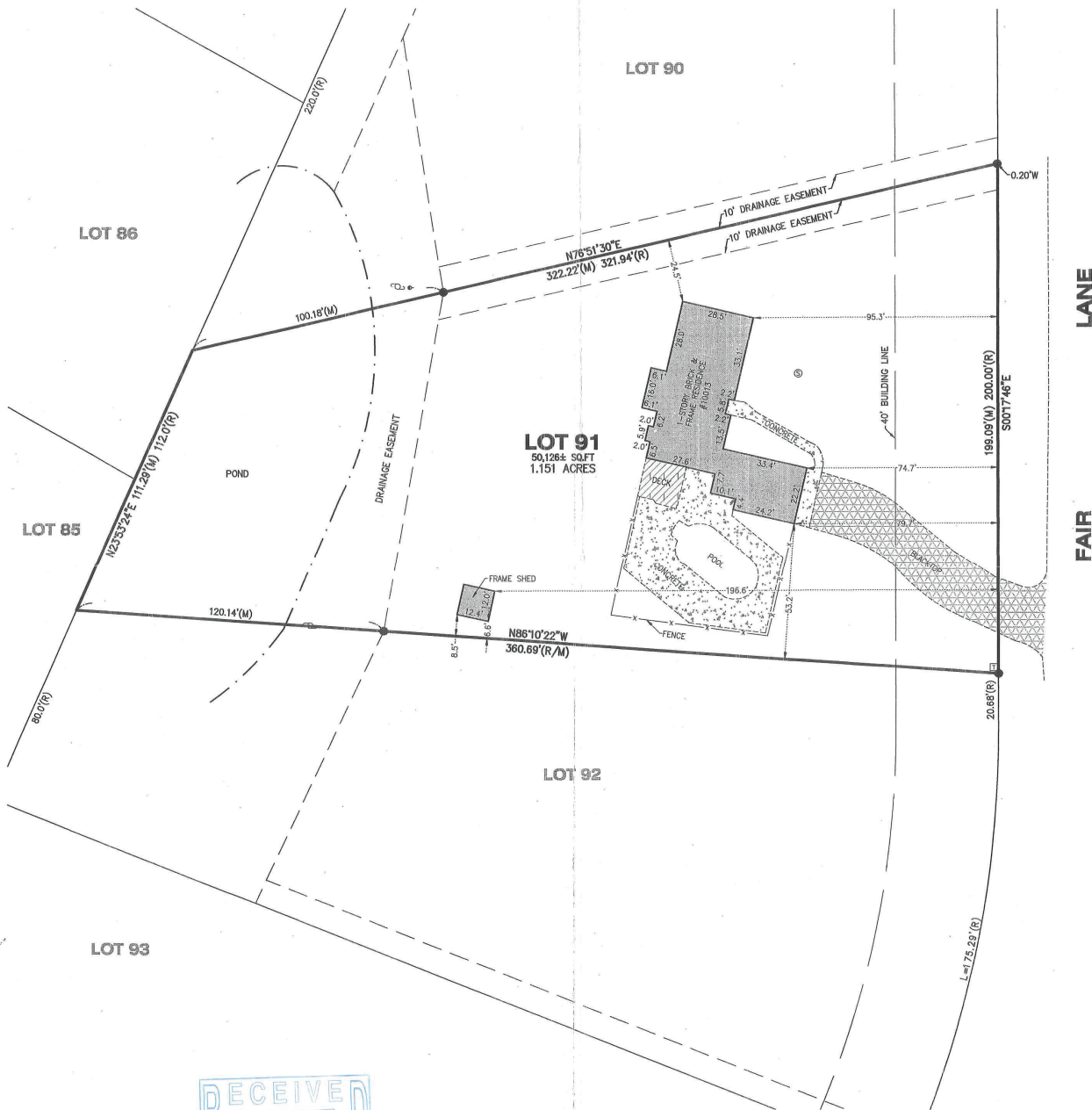
Dated at Woodstock, McHenry County, Illinois 04/04 A.D., 2024.
Vanderstappen Land Surveying Inc.
Design Firm No. 184-002792

By: *Arthur P. Grimmett*
Illinois Professional Land Surveyor No. 3857

CLIENT: LORI SHAMSIPOUR
DRAWN BY: SES CHECKED BY: APG
SCALE: 1"=30' SEC. 23 T. 43 R. 06 E.
BASIS OF BEARING: ILL. EAST ZONE NAD83 (2011)
P.I.N.: 17-23-377-008
JOB NO.: 230437 I.D. LSS
FIELDWORK COMP.: 04/01/24 BK. PG.
ALL DISTANCES SHOWN IN FEET AND DECIMAL. REF. 110196, 130618
PARTS THEREOF CORRECTED TO 68° F.

PLAT OF SURVEY

Lot 91 in Knoll Top Subdivision Unit No. 6, being a Subdivision of part of the Southwest Quarter of Section 23 and part of the Northwest Quarter of Section 26, Township 43 North, Range 6 East of the Third Principal Meridian, according to the Plat thereof recorded May 18, 1977 as Document No. 695056 in McHenry County, Illinois.



LEGEND	
◄	DOWN GUY
●	FOUND IRONBAR
⊙	SEPTICLID
▣	TELERISER
⊕	UTILITY POLE
(R)	RECORD
(M)	MEASURE

CLIENT: REGAS FREZADOS AND DALLAS
 DRAWN BY: SES CHECKED BY: WJV
 SCALE: 1"=30' SEC. 23 T. 43 R. 06 E.
 BASIS OF BEARING: PER RECORD SOUTH LINE
 P.I.N.: 17-23-377-008
 JOB NO.: 130616 I.D. UPD
 FIELDWORK COMP.: 10/15/13 BK. PG.
 ALL DISTANCES SHOWN IN FEET AND DECIMAL PARTS THEREOF CORRECTED TO 68° F. REF: 110186

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.

- 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.
- This Survey and Plat of Survey are void without original embossed or colored seal and signature affixed.

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

STATE OF ILLINOIS)) S.S.
 COUNTY OF McHENRY

In my professional opinion, and based on my observations, I hereby certify that we have surveyed the premises above described, and that the plat hereon is a true representation of the said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Dated at Woodstock, McHenry County, Illinois 10/21 A.D., 2013.

Vanderstappen Surveying & Engineering, Inc.
 Design Firm No. 184-002792

By: *William J. Vanderstappen*
 Illinois Professional Land Surveyor No. 2709



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



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

March 20, 2024

Frances Shamsipour
10013 Fair Lane
Union, IL 60180

Re: Parcel # 17-23-377-008
Common Location: 10013 Fair Lane, Union, IL 60180
NRI# L24-036-4592
Zoning Change: R1 to R1 Variance

Dear Ms. Shamsipour:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for a Natural Resource Information Report on the Frances L Shamsipour property as applied for in Report #L24-036-4592. 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.

Office maps also indicate the presence of hydric soils in the middle area of the parcel (see attached Hydric Soil Locations Map). Our wetland inventory is for informational and planning purposes only. Any proposed drainage work, in wet areas, requires a certified wetland delineation. If drainage work is to occur, please contact the Army Corps of Engineers and McHenry County Department of Planning & Development for permit information.

This letter fulfills your requirement to notify the SWCD of land use changes as per the Illinois Compiled State Statutes, Chapter 70, Par. 405/1 et seq. Illinois Revised Statutes, Ch. 5, Par 106 et seq. and the McHenry County Stormwater Ordinance. If you have any questions concerning this letter, feel free to call our office.

Sincerely,

Ryan Bieber
Urban Conservation Specialist

Hydric Soil Locations



0 15 30 60 90 120 Feet

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



Key To Features

 Hydric Soil

**HEARING OFFICER REPORT TO THE MCHENRY
COUNTY BOARD IN THE MATTER OF PETITION #2024-023**

1. **Recommendation:** Approve
2. **Applicant:** Frances L. Shamsipour and Hamid Shamsipour, Owners of Record
3. **Request:** Variation within the E-1 Estate district to allow for a setback of five and nine-tenths (5.9) feet instead of the minimum ten (10) feet required from the south lot line for a shed. (McHenry County Unified Development Ordinance §16.56.050.A.2.c)
4. **Location and size of property in question:** The subject property consists of approximately 1.151 acres and is located on the west side of Fair Lane, approximately one-half (.5) mile north of the intersection of Fair Lane and Church Road. Common address: 10013 Fair Lane, Union, Illinois in Coral Township. PIN: 17-23-377-008
5. **Present at hearing:**
Applicants: Hamid Shamsipour, Frances Shamsipour
Michael J. McNerney, Hearing Officer
Kim Scharlow, County Staff
Public: Michael Neises, Nicole Neises, Mike Plachy, Lynnea Fung, Mehul Patel
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 L24-036-4592.
8. **Summary of Testimony at the hearing:**

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

Ms. Shamsipour stated that she had applied for a building permit to replace an existing shed with a slightly larger shed. She stated that the shed was almost completed when she received the review letter stating there is a ten (10) foot setback. Ms. Shamsipour stated that she researched the feasibility of moving the shed and was told that it would cost more than the shed itself. She stated that she has spoken with the adjacent neighbors and they do not have an issue with the shed.

Mr. McNerney asked what the foundation is under the shed. Ms. Shamsipour stated that there are six (6) concrete posts and gravel.

Mr. McNerney asked Staff for their report. Staff stated that the shed is almost in the same footprint. It is about six inches closer to the lot line than the previous shed was. There is a vegetative buffer between the lot line and the shed and there are no objections from the neighbors.

The applicants answered the Variation Approval Standards questions asked by Mr. McNerney.

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 petitioners' request be granted.

Respectfully submitted,

/S/ Michael J. McNerney
Michael J. McNerney