

IN THE MATTER OF THE APPLICATION )  
OF **RAFAEL ARELLANO AND SUSANA** )  
**ARELLANO-BRAVO**, FOR A VARIATION OF THE ) #2024-027  
UNIFIED DEVELOPMENT ORDINANCE OF )  
McHENRY COUNTY, ILLINOIS )

WHEREAS, your petitioners **RAFAEL ARELLANO AND SUSANA ARELLANO-BRAVO** 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:

***The North 330.0 feet of the South 660.0 feet of the Northeast Quarter of the Northeast Quarter of Section 29, (except the West 150.0 feet thereof) in Township 44 North, Range 7 East of the Third Principal Meridian, in McHenry County, Illinois.***

**PIN # 13-29-200-008**

More commonly known as **4215 South IL Route 47, Woodstock, Illinois**

WHEREAS, the Petition requests no reclassification of the subject property from its present classification which is **“A-1” Agriculture District, but a Variation be granted to the property to allow for a setback of twenty (20) feet instead of the minimum thirty (30) feet required from the north side property line.**

WHEREAS, the subject property consists of approximately **8.825 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 twenty (20) feet instead of the minimum thirty (30) feet required from the north side property 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 twenty (20) feet instead of the minimum thirty (30) feet required from the north side property 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: \_\_\_\_\_

Dorr Township  
PLAN REVIEW REPORT  
VARIATION REQUEST APPLICATION #2024-027

Hearing Date: May 14, 2024

**Applicant:** Rafael Arellano and Susana Arellano-Bravo, Owners of Record

**Request:** *Variation* within the **A-1 Agriculture** district to allow for a setback of twenty (20) feet from the north side property line instead of the minimum thirty (30) feet required. (*McHenry County Unified Development Ordinance: Table 16.36-1*)

**Location:** The subject property consists of approximately 8.825 acres and is located on the west side of IL Route 47, approximately 1,200 feet south of the intersection of IL Route 47 and Lucas Road. Common address: 4215 South IL Route 47, Woodstock, Illinois, in Dorr Township. PIN: 13-29-200-008

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

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

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

**Adjacent Zoning:** North: *E-1 Estate District* East: *Vacant*  
South: *E-1 Estate District* West: *Transportation/Communication/Utilities*

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

**Improvements:** The subject property contains a metal storage container, frame lean-to, frame dog house, and gravel driveway, according to the Plat of Survey.

**Natural Resources:** The McHenry County ADID Wetland Inventory indicates the presence of High Quality Wetland in the northwest area of the parcel and Wetlands in the northeast area of the parcel. The Natural Resource Conservation Service (NRCS) inventory indicates the presence of Farmed Wetland Pasture in the northwest and northeast areas of the site. Due to the size of the parcel and minimal new construction on the site, impact to natural resources from the proposed use is minimal, according to Natural Resources Inventory (NRI) Letter L24-044-4600.

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

**Flood-of-Record:** Historic flood-of-record was identified at the far northeast corner of the property. (Woodstock Quadrangle HA-256, Panel 0200J)

**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-5557 was applied for in March of 2024 to construct a Barndominium (residence with attached agricultural barn). The applicants were notified that the proposed structure did not meet the minimum thirty (30) foot setback from the north lot line. As the applicants own the parcel to the north of the PIQ, they filed a Deed Restriction with the Recorder of Deeds office, tying the two parcels together. This temporarily alleviates the setback concern so that the building permit can move forward to issuance. The granting of this Zoning Variance application would make it possible for the applicants to remove the Deed Restriction, thus allowing them to sell their northern parcel, if desired.
- 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

4215 South Illinois Route 47, Woodstock, Illinois

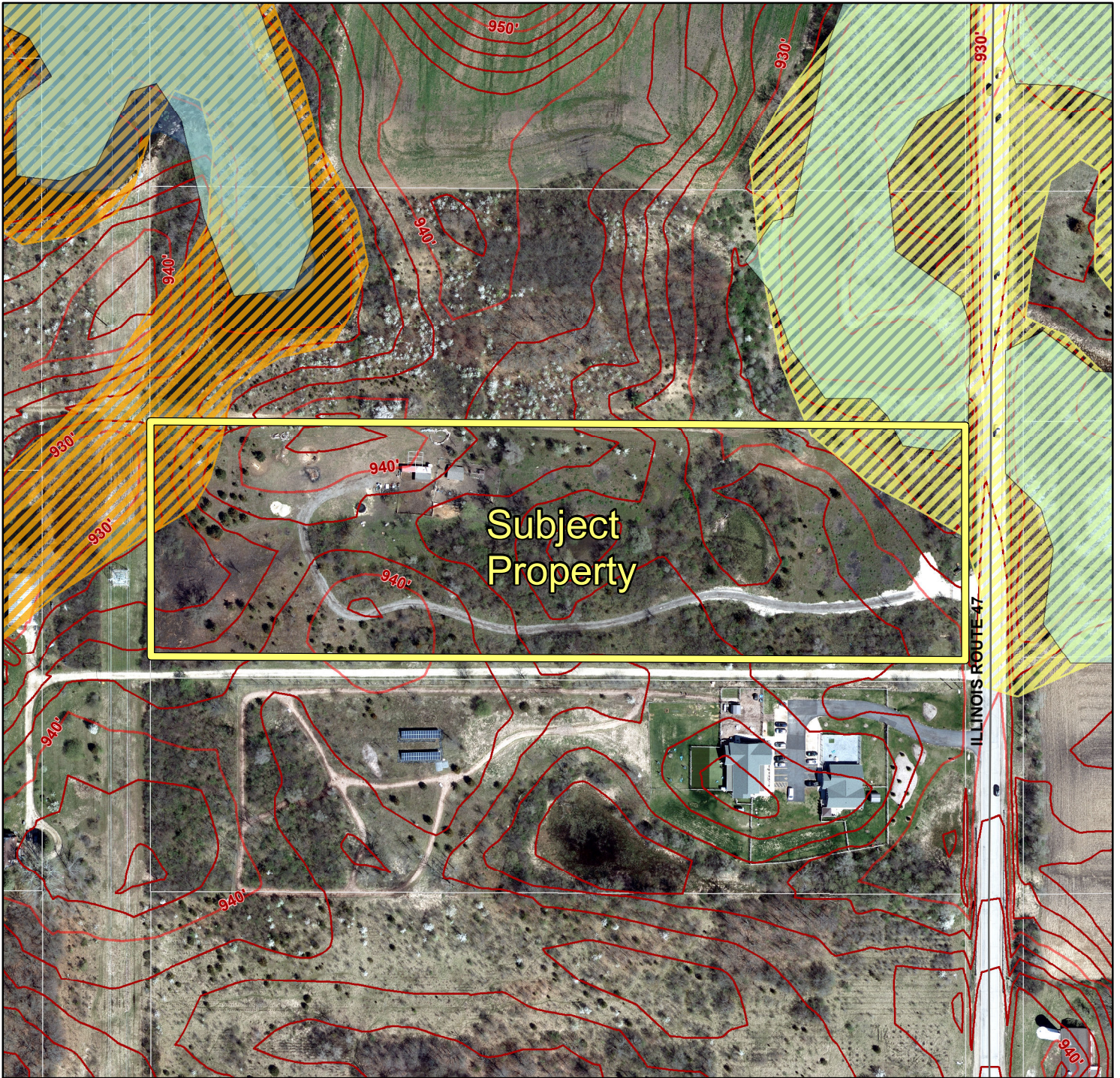


Photo: 2022

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.




## Elevation (feet above sea level)

— Contours





## Historic Flood Zone



## FEMA Flood Hazard Areas

-  0.2 % Annual Chance of Flood
-  1% Annual Chance of Flood
-  Floodway

## ADID Wetland Map 2005

-  High Functional Value Wetland (hfvw)
-  High Quality Wetland (hqw)
-  Wetland (w)
-  Farmed Wetland (fw)

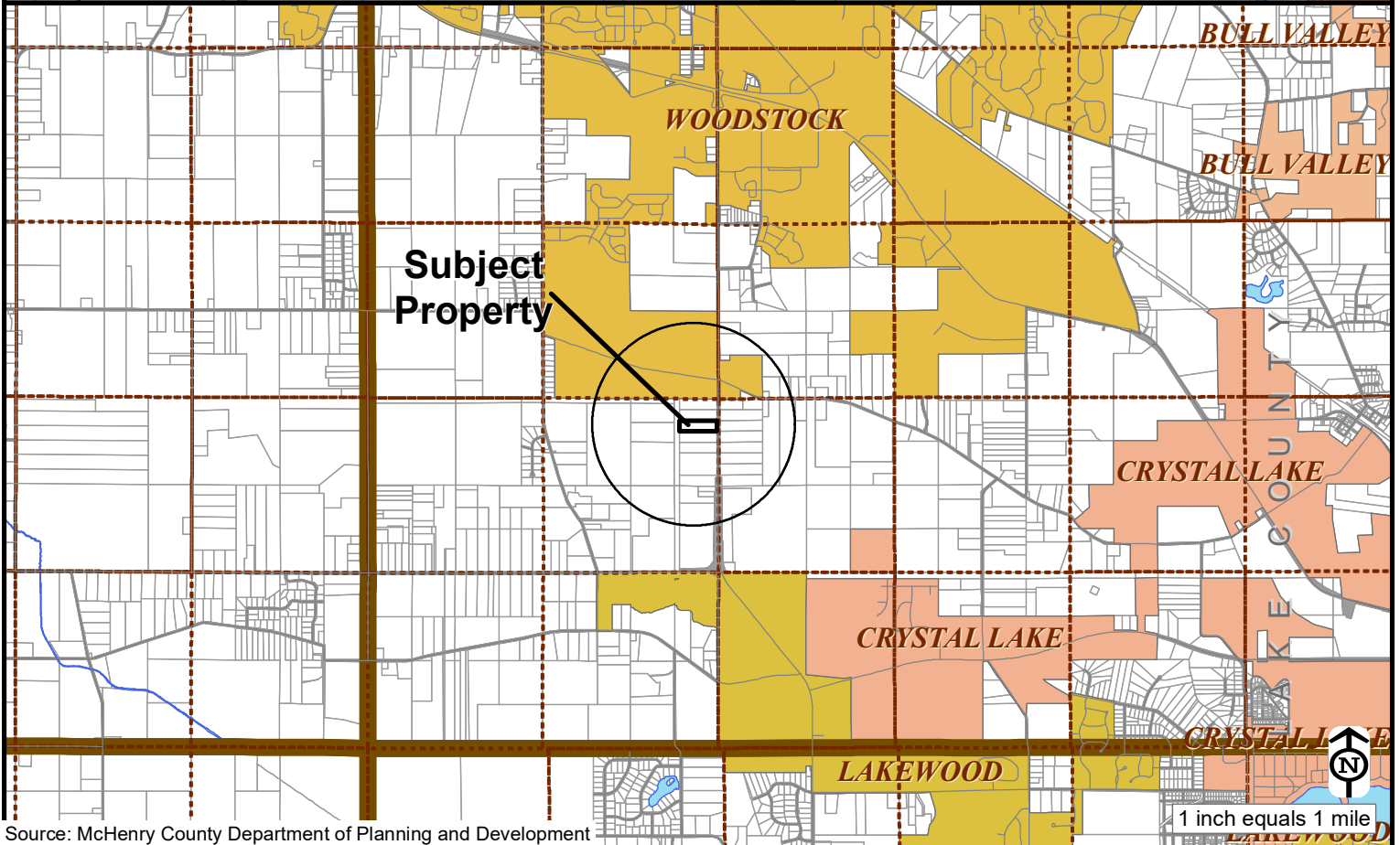
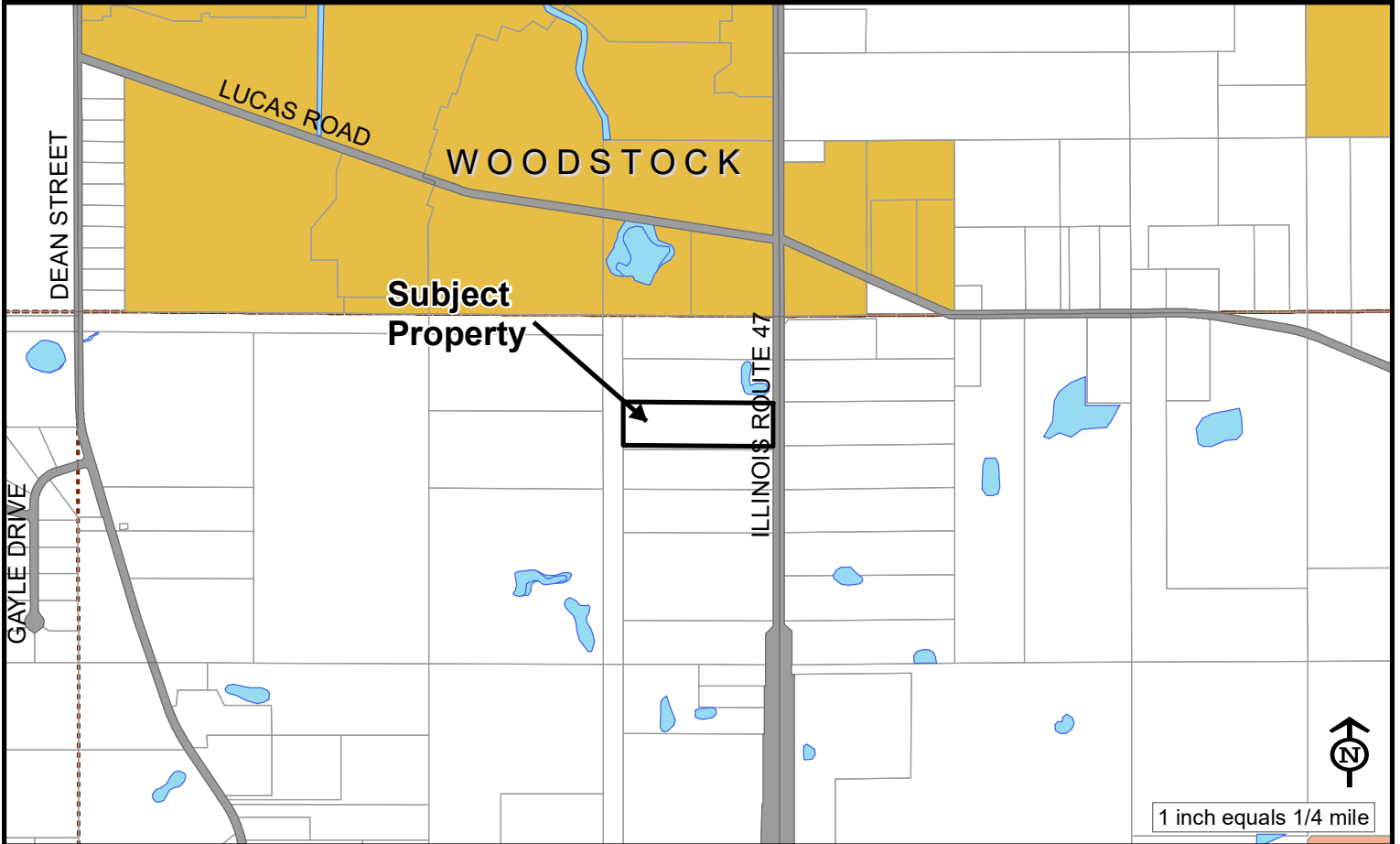
0 100 200 400

Feet

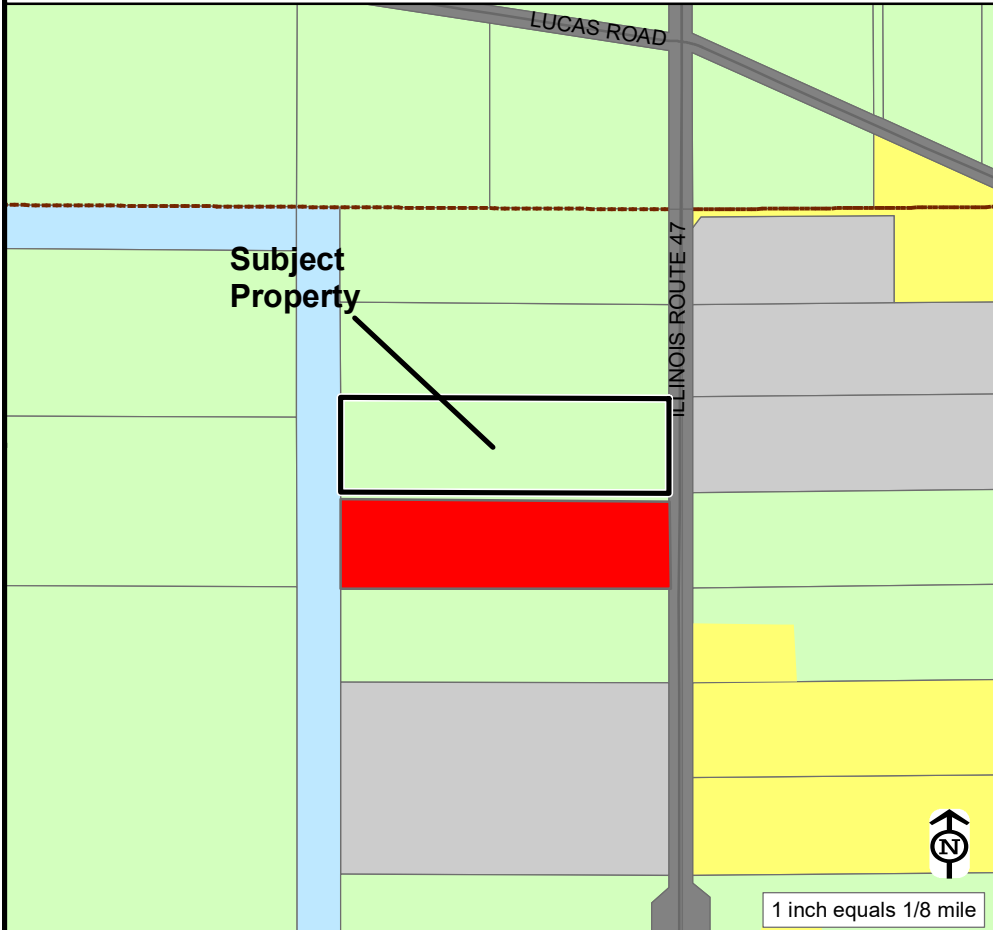
Prepared by the McHenry County  
Department of Planning and Development







**Current Land Use Map**



**Current Land Use**

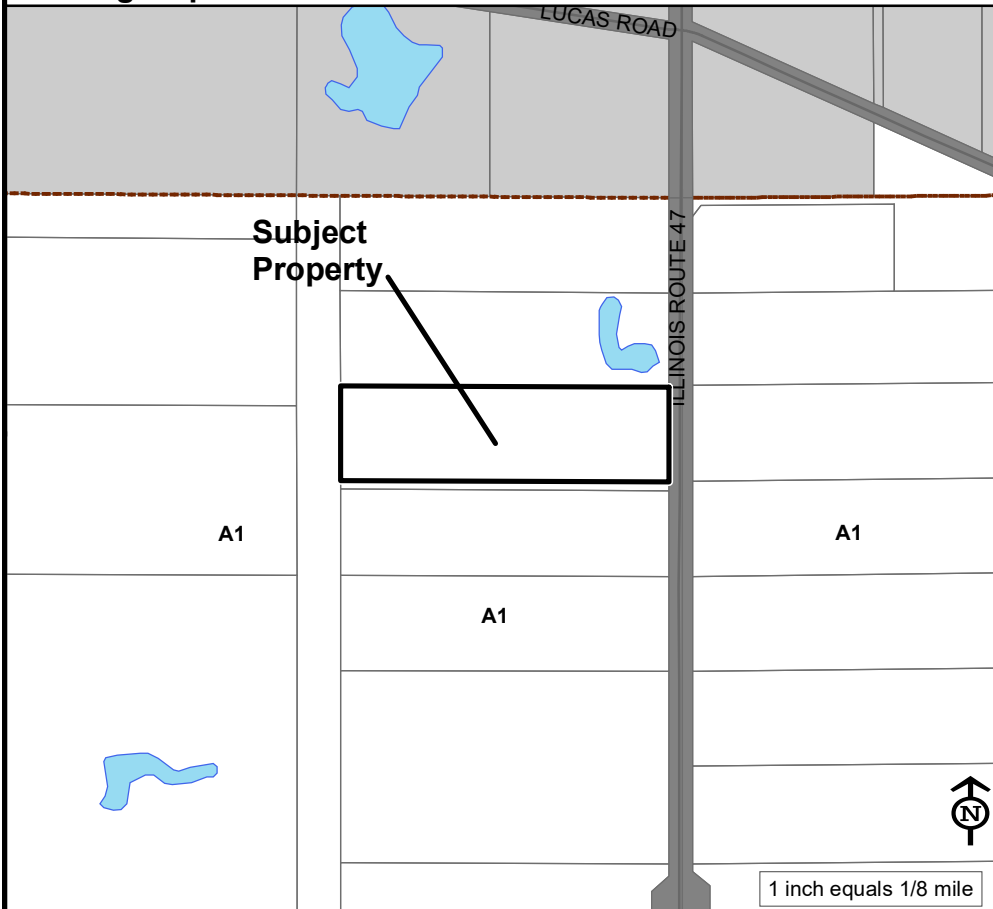
*Agriculture*

**Land Use Adjacent to the PIQ**

North: *Agriculture*  
 South: *Agriculture/Commercial*  
 East: *Vacant*  
 West: *Transportation, Communication, Utilities*

- 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**

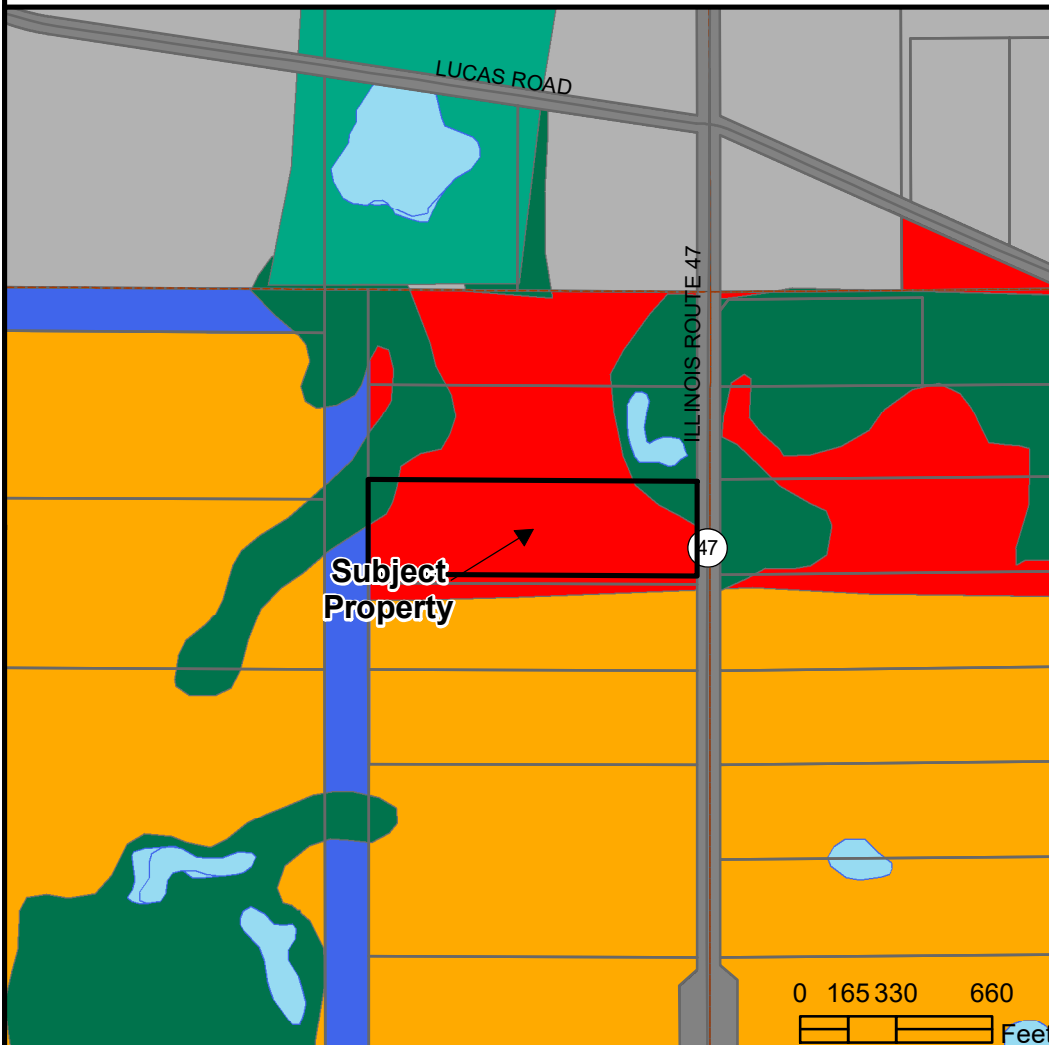
**A-1 Agriculture**

**Adjacent Zoning**

North: A-1 Agriculture  
 South: A-1 Agriculture  
 East: A-1 Agriculture  
 West: A-1 Agriculture

- 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

*Retail/  
Environmentally Sensitive Area*

- Agricultural
  - Open Space
  - Environmentally Sensitive Area
  - Estate
  - Isolated Estate
  - Residential
  - Isolated Residential
  - Retail
  - Mixed Use
  - Office, Research, Industrial
  - Gov't, Institutional, Utilities
  - TOD Existing Rail Station
  - TOD Future Rail Station
  - Active Earth Extraction Site
  - Municipality
- Scale: 1 inch = 1/8 mile

### Municipal/Township Plan Designations

Dorr Township: Retail

Crystal Lake: No Designation      Lakewood: No Designation

Woodstock: Commercial/Resource Conservation

### 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.

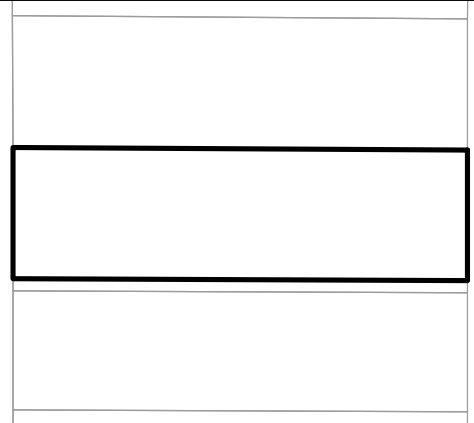
Consideration should be given regarding nearby land uses and zoning, the availability of transportation, infrastructure, water supply, other public services, environmental limitations, and other factors required by law.

*Environmentally Sensitive* includes existing floodplains, floodways, wetlands 10 acres and larger from the Advanced Identification (ADID) inventory, and most McHenry County Natural Area Inventory (MCNAI) sites.

#### Sensitive Aquifer Recharge Areas

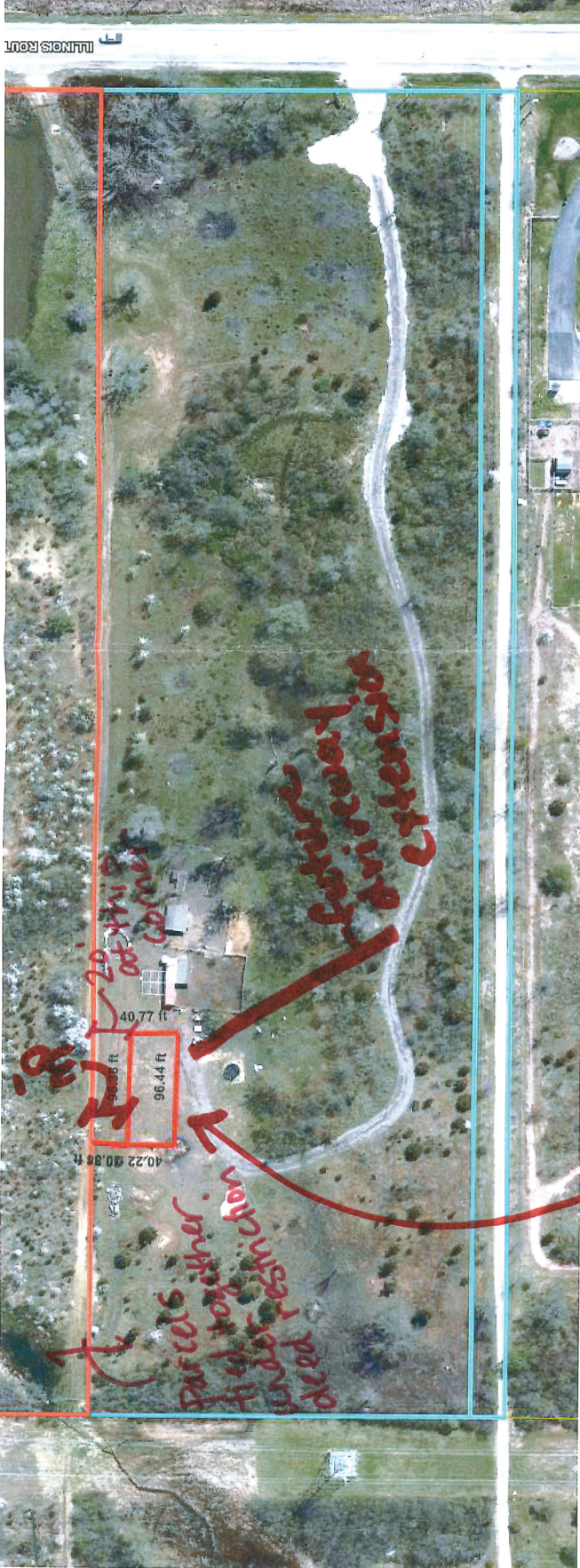
The site *IS NOT* located in a zone with elevated contamination potential.

### Sensitive Aquifer Recharge Areas (SARA)



- Sensitive Recharge Area





Proposed barndominium

OFFICIAL SITE PLAN

3/27/24 KS

RECEIVED  
 APR 17 2024  
 ZONING DIVISION

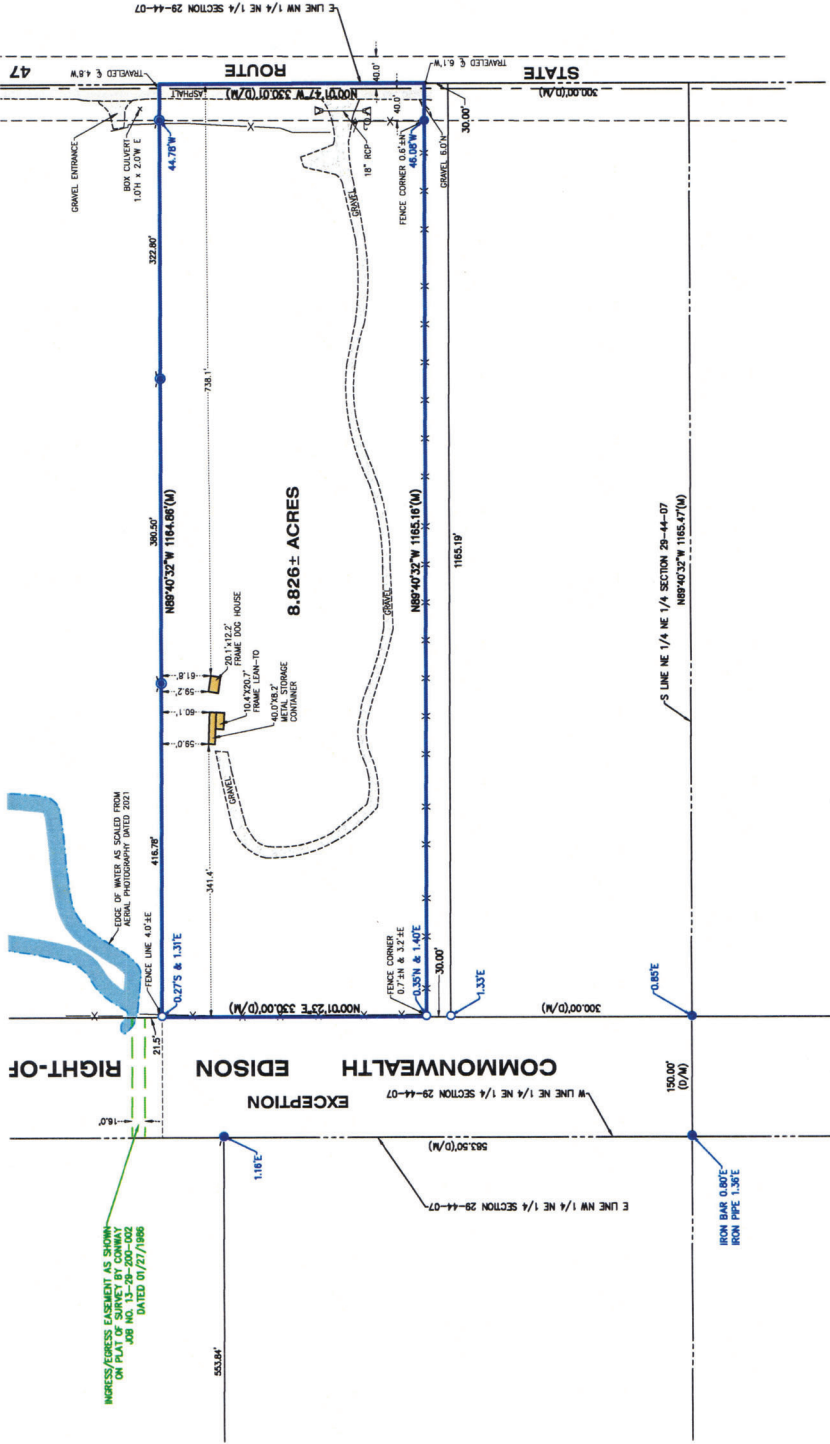
# PLAT OF SURVEY

The North 330.0 feet of the South 660.0 feet of the Northeast Quarter of the Northeast Quarter, Section 29, Township 44 N., Range 7 E., West 150.0 feet (thereof) in Township 44 North, Range 7 East of the Third Principal Meridian, in McHenry County, Illinois



**Vanderstappen**  
Land Surveying, Inc.  
www.vanderstappen.com  
Woodstock, Illinois 60098  
ph. 815-337-8310 fax 815-337-8314  
Always faithful to the property line!

INGRESS/FENCE PLACEMENT AS SHOWN ON PLAT OF SURVEY BY CONWAY JOB NO. 13-09-200-002 DATED 01/27/1986



8.826± ACRES

LEGEND	
•	DOWN GUY
◊	FLARED END SECTION
◻	FOUND IRON BAR
◻	FOUND IRON PIPE
◻	FOUND IRON PIPE
◻	FOUND ROW MARKER
◻	SET IRON BAR
◻	TELEPHONE MANHOLE
◻	UTILITY POLE
(M)	MEASURED
(D)	DEED



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 boundaries of the same are true and correct. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Dated at Woodstock, McHenry County, Illinois 12/19 A.D., 20 22.  
Vanderstappen Land Surveying Inc.  
Design Firm No. 184-002792

By: *[Signature]*  
Illinois Professional Land Surveyor No. 9867

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the plat is otherwise noted. 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.

CLIENT: DEBAL SINGH  
DRAWN BY: TPS CHECKED BY: APG  
SCALE: 1"=100' SRC: 29 T. 44 R. 07 E.  
BASIS OF BEARING: I. EAST ZONE NAD83 (2011)  
P.I.N.: 13-29-200-008  
JOB NO.: 221254 I.D. UPD  
FIELDWORK COMP.: 12/14/22 BK. PG.  
ALL DISTANCES SHOWN IN FEET AND DECIMAL PARTS UNLESS OTHERWISE NOTED.  
PARTS THEREOF CORRECTED TO BE F.



# 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)

April 23, 2024

Rafael Arellano  
4215 S. IL Rt. 47  
Woodstock, IL 60098

Re: Parcel # 13-29-200-008  
Common Location: 4215 S. IL Rt. 47, Woodstock, IL 60098  
NRI# L24-044-4600  
Zoning Change: A1 to A1 Variance

Dear Mr. Arellano:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for a Natural Resource Information Report on the Rafael Arellano property as applied for in Report #L24-044-4600. Due to size of parcel being rezoned and minimal new construction on the site, 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 High Quality Wetland in northwest area of the parcel and Wetlands in the northeast area of the parcel (see attached ADID Wetland Locations Map). The Natural Resource Conservation Service inventory indicates the presence of Farmed Wetland Pasture in the northwest and northeast areas of the (see attached NRCS Wetland Locations Map). It is recommended that a jurisdictional wetland delineation 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.

Office maps also indicate the presence of hydric soils in multiple locations 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.

Additionally, the FEMA Flood Insurance Rate Map indicates that a 0.2% Annual Chance Flood Hazard flood plain is located in the parcel to the north of parcel 13-29-200-008 (see attached FEMA Floodplain Locations Map). If additional construction is to occur it is recommended that you contact the McHenry County Department of Planning & Development for possible permitting requirements.

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 black ink that reads "Ryan Bieber". The script is fluid and cursive, with the first letters of "Ryan" and "Bieber" being capitalized and prominent.

Ryan Bieber  
Urban Conservation Specialist

# ADID Wetland Locations



0 60 120 240 360 480 Feet

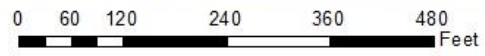
2019 Aerial Photograph  
Produced By: McHenry-Lake County Soil & Water Conservation District



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

*Resources for the Future*

# NRCS Wetland Locations



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



Key To Features	
	Farmed Wetland
	Farmed Wetland Pasture
	Non-inventoried Hydric Soil
	Non-inventoried Soil With Hydric Inclusions
	Prior Converted
	Wetland

*Resources for the Future*



# Hydric Soil Locations



0 60 120 240 360 480 Feet

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



**Key To Features**

 Hydric Soil

*Resources for the Future*






# FEMA Floodplain Locations



0 60 120 240 360 480 Feet

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



Key To Features	
<b>FEMA Floodplain</b>	
<b>Flood Zone</b>	
	0.2 PCT ANNUAL CHANCE FLOOD HAZARD
	100 yr
	100 yr with base flood elevations determined
	100 yr with 1-3 ft. flood depths
	100 yr usually sheet flow

*Resources for the Future*

**HEARING OFFICER REPORT TO THE MCHENRY  
COUNTY BOARD IN THE MATTER OF PETITION #2024-027**

1. **Recommendation:** Approve
2. **Applicants:** Rafael Arellano and Susana Arellano-Bravo, Owners of Record
3. **Request:** Variation within the A-1 Agriculture district to allow for a setback of twenty (20) feet from the north side property line instead of the minimum thirty (30) feet required. (McHenry County Unified Development Ordinance: Table 16.36-1)
4. **Location and size of property in question:** The subject property consists of approximately 8.825 acres and is located on the west side of IL Route 47, approximately 1,200 feet south of the intersection of IL Route 47 and Lucas Road. Common address: 4215 South IL Route 47, Woodstock, Illinois, in Dorr Township. PIN: 13-29-200-008
5. **Present at hearing:**  
Applicant: Rafael Arellano  
Michael J. McNerney, Hearing Officer  
Kim Scharlow, County Staff  
Public: Ralph Schmitt
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 L24-044-4600.
8. **Summary of Testimony at the hearing:**

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

Mr. McNerney asked Mr. Arellano to describe how the request is not based exclusively upon a desire to increase the monetary gain realized from the property. Mr. Arellano stated that he is planning on living in the barndominium. He stated that they originally intended to build a barn that required a ten (10) foot setback. He stated that he had Commonwealth Edison come in and install the electrical access based on an accessory structure setback requirement. He stated that then they changed their mind and decided to make the barn into a barndominium. However, the cable and electrical access had already been approved and installed by Commonwealth Edison.

Mr. McNerney asked Staff for their report. Staff stated that the building permit has been issued for this structure and it is currently under construction. The deed restriction that was recorded with the recorder's office ties his two (2) lots together so that the setback is not an issue at this time. The granting of this variance would allow him then to remove that deed restriction. Staff stated that due to the angle of the building, the residential portion is thirty (30) feet from that lot line. But the corner of the barn, the actual agricultural part of it, is twenty (20) feet. And that is why the variance is needed.



Mr. McNerney asked Mr. Arellano how much road frontage his lot to the north of the parcel in question has. Mr. Arellano stated that it is three hundred and thirty (330) feet. Mr. McNerney asked Staff if there would be enough space for a house to be built on the north lot adjacent to the subject property. Staff stated that that home would also have a thirty (30) foot setback in addition to the setback on the subject parcel.

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

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

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

Respectfully submitted,

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