

IN THE MATTER OF THE APPLICATION )  
OF **NICOLE NEISES**, FOR A VARIATION OF THE ) #2024-028  
UNIFIED DEVELOPMENT ORDINANCE OF )  
McHENRY COUNTY, ILLINOIS )

WHEREAS, your petitioner **NICOLE NEISES** has 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 2 in Oak Ridge Estates, a Subdivision of part of the East 50 acres of the North 100 acres of Section 32, Township 45 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded May 7, 1962 as Document No. 401861 in Book 14 of Plats, page 90, in McHenry County, Illinois.***

**PIN # 09-32-201-003**

More commonly known as **6310 Round Up Road, McHenry, 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 1) a Temporary Entertainment Event to be seven (7) days in duration for the specified event instead of the maximum three (3) days allowed, and 2) the Temporary Entertainment Event to take place on the 4.705-acre parcel instead of the minimum five (5) acres required.**

WHEREAS, the subject property consists of approximately **4.705 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 denial of a Variation to allow a Temporary Entertainment Event to be seven (7) days in duration for the specified event instead of the maximum three (3) days allowed.***

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 the Temporary Entertainment Event to take place on***

**the 4.705-acre parcel instead of the minimum five (5) acres required, subject to the following conditions:**

- 1) *This Variation shall be limited to one (1) temporary entertainment event to take place in calendar year 2024.*
- 2) *All requirements of the McHenry County Public Health Ordinance must be met, and any applicable permits for temporary food service, sewage, water and/or sanitation must be obtained from the Department of Health prior to the event.*
- 3) *All requirements of the McHenry Township Fire Protection District must be met. A representative of the Fire Protection District shall inspect the site prior to commencement of the event.*
- 4) *All other federal, state, and local laws shall be met.*

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 1) a Temporary Entertainment Event to be seven (7) days in duration for the specified event instead of the maximum three (3) days allowed, and 2) the Temporary Entertainment Event to take place on the 4.705-acre parcel instead of the minimum five (5) acres required, subject to the following conditions:***

- 1) *This Variation shall be limited to one (1) temporary entertainment event to take place in calendar year 2024.*
- 2) *All requirements of the McHenry County Public Health Ordinance must be met, and any applicable permits for temporary food service, sewage, water and/or sanitation must be obtained from the Department of Health prior to the event.*
- 3) *All requirements of the McHenry Township Fire Protection District must be met. A representative of the Fire Protection District shall inspect the site prior to commencement of the event.*
- 4) *All other federal, state, and local laws shall be met.*

This Ordinance shall be in full force and effect from and after its passage as by law provided.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Chairperson, McHenry County Board  
McHenry County, Illinois

ATTEST:

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County Clerk

NUMBER VOTING AYE: \_\_\_\_\_

NUMBER VOTING NAY: \_\_\_\_\_

NUMBER ABSTAINING: \_\_\_\_\_

NUMBER ABSENT: \_\_\_\_\_

McHenry Township  
PLAN REVIEW REPORT  
VARIATION REQUEST APPLICATION #2024-028

Hearing Date: May 14, 2024

**Applicant:** Nicole Neises

**Request:** **Variation** within the **A-1V Agriculture** district to allow for 1) a Temporary Entertainment Event to be seven (7) days in duration for the specified event instead of the maximum three (3) days allowed and 2) the Temporary Entertainment Event to take place on the 4.705-acre parcel instead of the minimum five (5) acres required. (*McHenry County Unified Development Ordinance §16.56.040.D.2*)

**Location:** The subject property consists of approximately 4.705 acres and is located on the northwest side of Round Up Road, approximately 800 feet west of the intersection of Round Up Road and Old Draper Road.  
Common address: 6310 Round Up Road, McHenry, Illinois, in McHenry Township.  
PIN: 09-32-201-003

**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: *AGRICULTURE/SINGLE-FAMILY RESIDENTIAL* West: *SINGLE-FAMILY RESIDENTIAL*

**Current Zoning:** The property is currently zoned **A-1V Agriculture District with a Variation.**

**Adjacent Zoning:** North: *City of McHenry* East: *E-1 Estate*  
South: *A-1 Agriculture* West: *A-1 Agriculture*

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

**Improvements:** The subject property contains a brick and frame residence, shed, decks, pool, asphalt driveway, and areas of concrete, according to the Plat of Survey.

**Natural Resources:** No wetlands were identified on the property. Due to minimal or no new construction, impact to natural resources from the proposed use is minimal, according to Natural Resources Inventory (NRI) Letter L24-047-4603.

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

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

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

**Comments/ Conclusion:**

Staff proposes the following conditions for consideration:

- 1) This Variation shall be limited to one (1) temporary entertainment event to take place in calendar year 2024.
- 2) All requirements of the McHenry County Public Health Ordinance must be met, and any applicable permits for temporary food service, sewage, water and/or sanitation must be obtained from the Department of Health prior to the event.
- 3) All requirements of the McHenry Township Fire Protection District must be met. A representative of the Fire Protection District shall inspect the site prior to commencement of the event.
- 4) All other federal, state, and local laws shall be met.

- The granting of this Zoning Variance application would make it possible for the applicants to apply for a Temporary Use Permit for a Temporary Entertainment Event, as specified in the request.
- 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

6310 Round Up Road, McHenry, Illinois

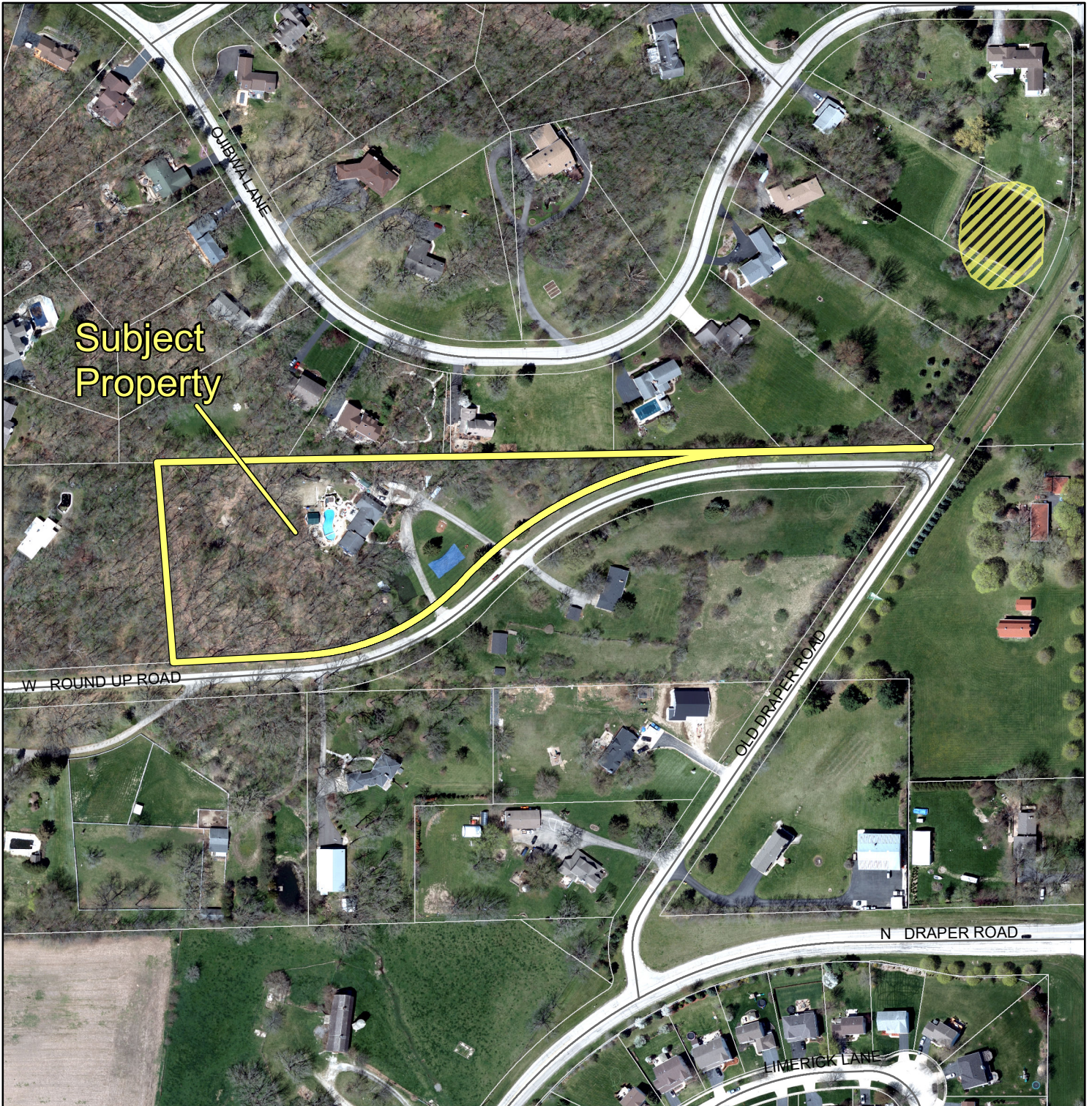






Photo: 2022

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.

**Elevation** (feet above sea level)

— Contours

### ADID Wetland Map 2005

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

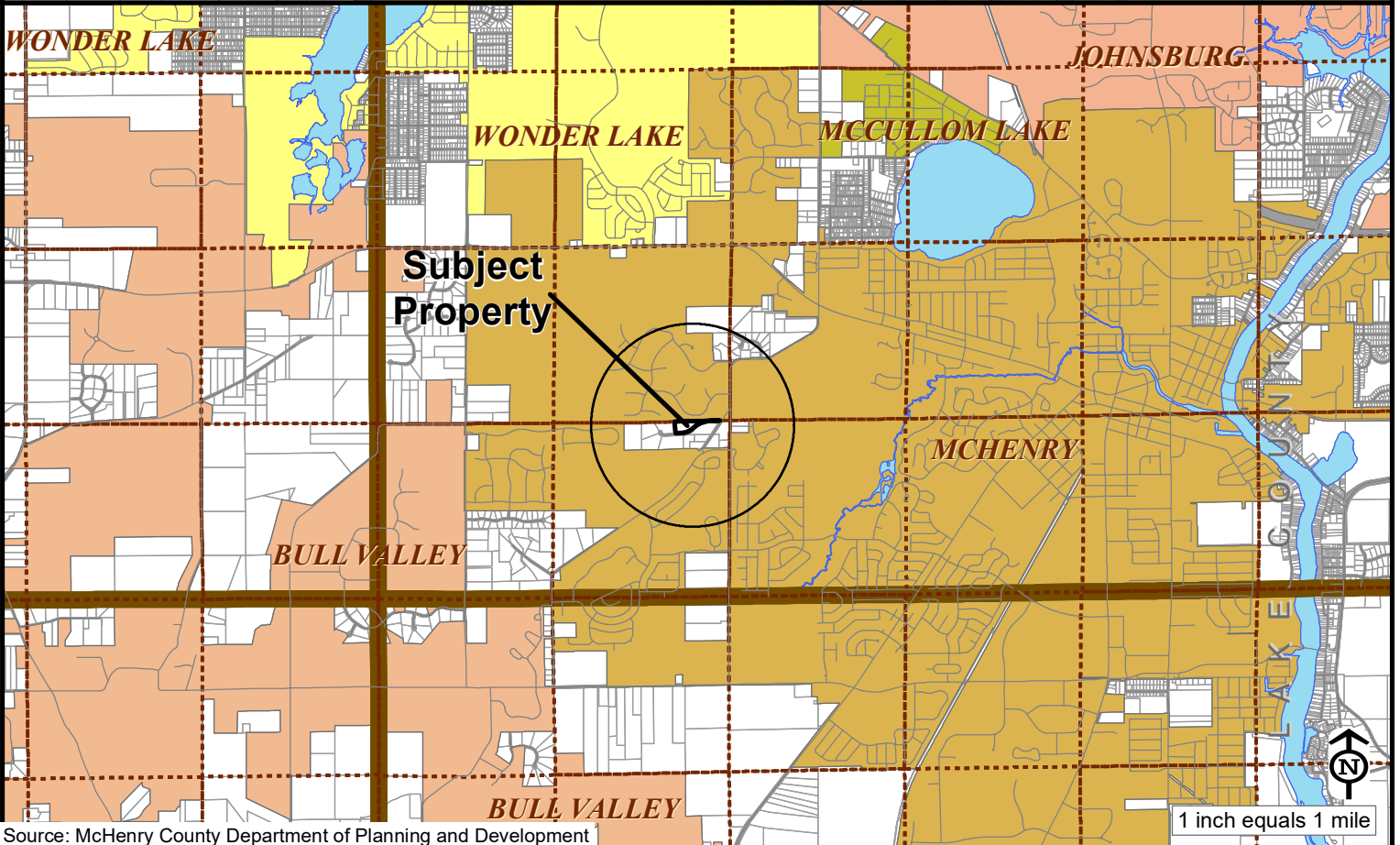
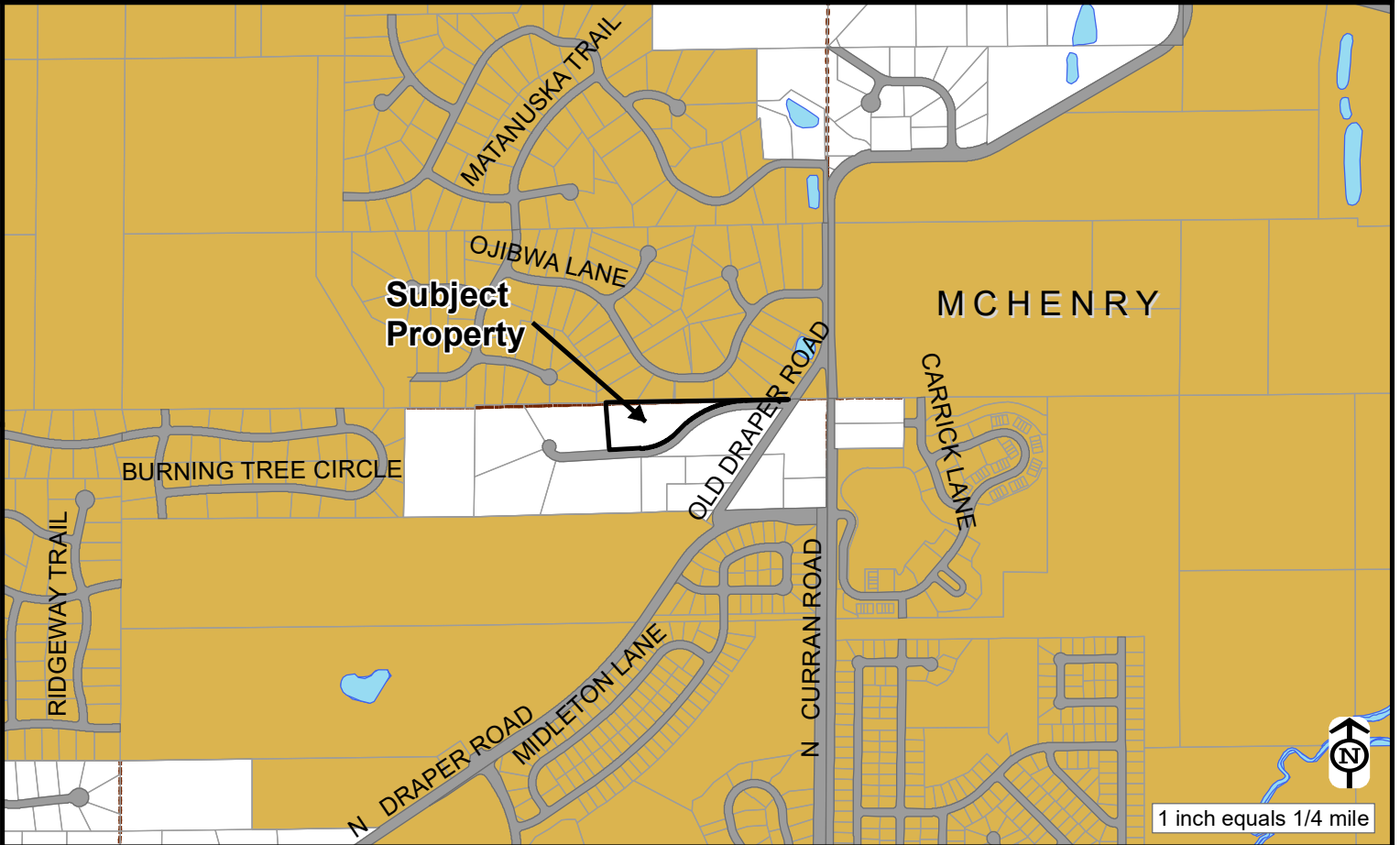
0 125 250 500



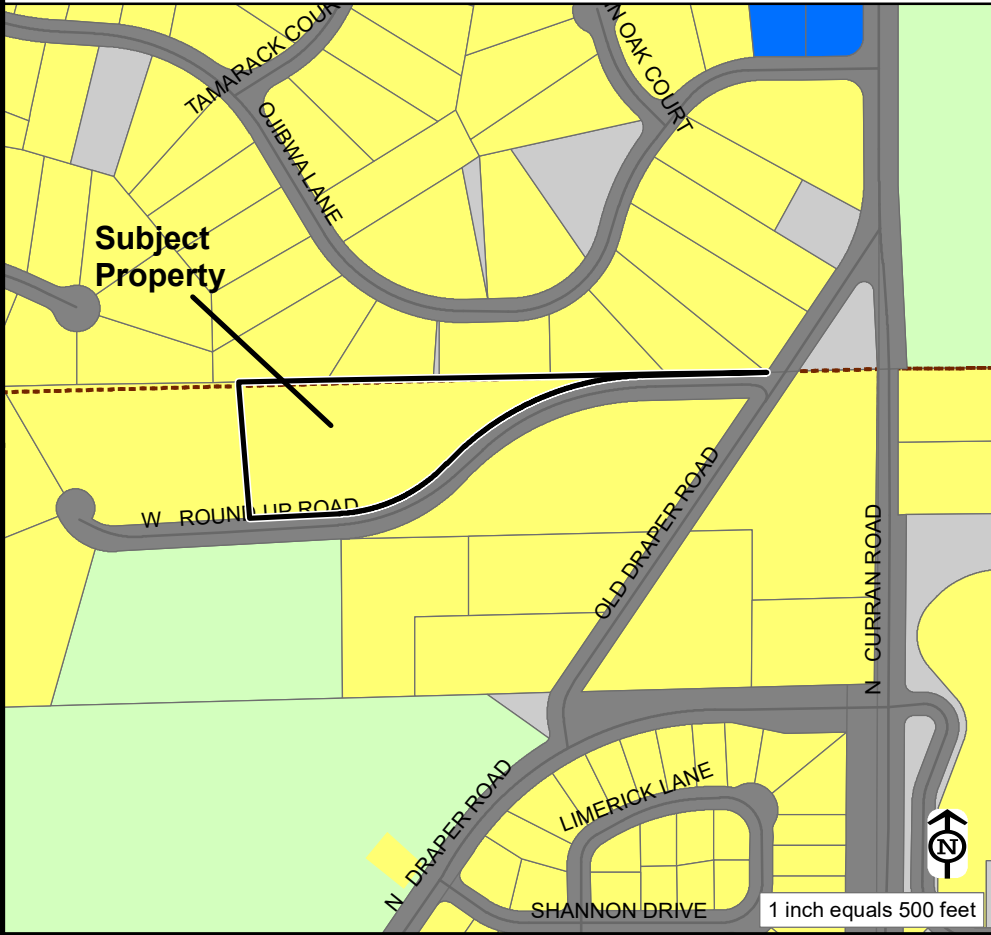
Feet

Prepared by the McHenry County  
Department of Planning and Development





### Current Land Use Map



### Current Land Use

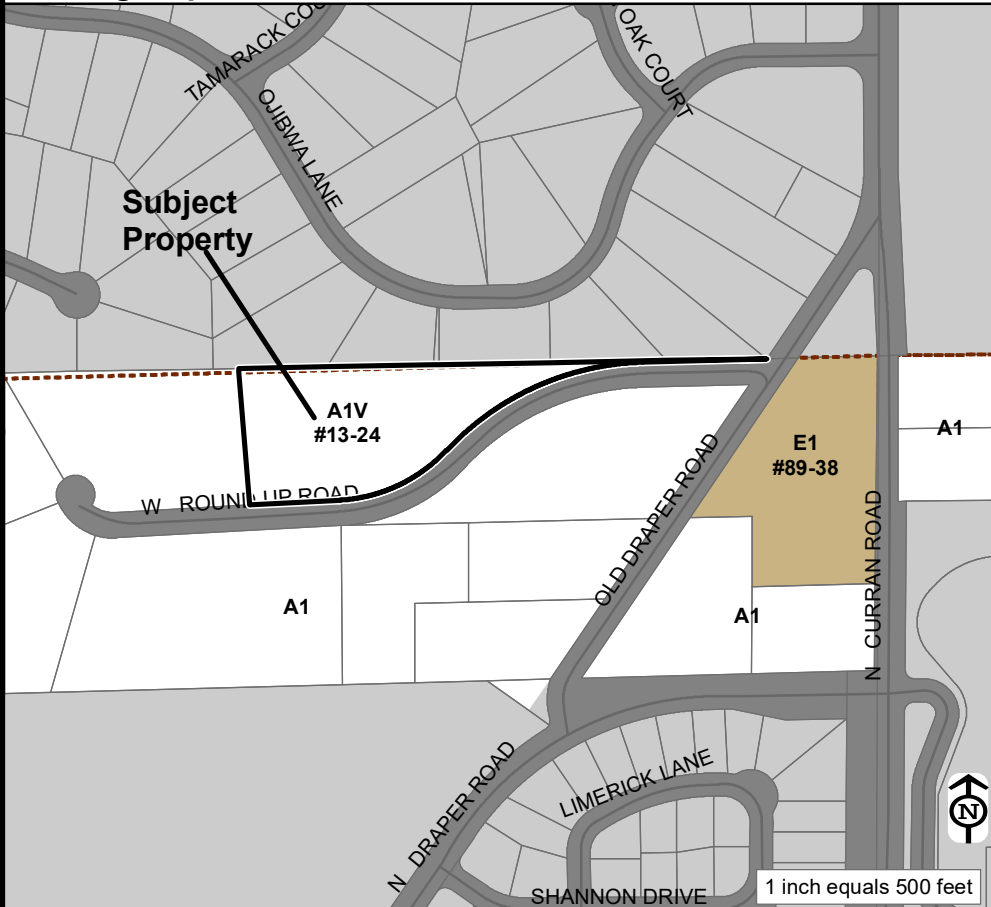
Single-Family Residential

### Land Use Adjacent to the PIQ

North: Single-Family Residential  
 South: Agriculture and 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-1V Agriculture

### Adjacent Zoning

North: City of McHenry  
 South: A-1 Agriculture  
 East: E-1 Estate  
 West: A-1 Agriculture

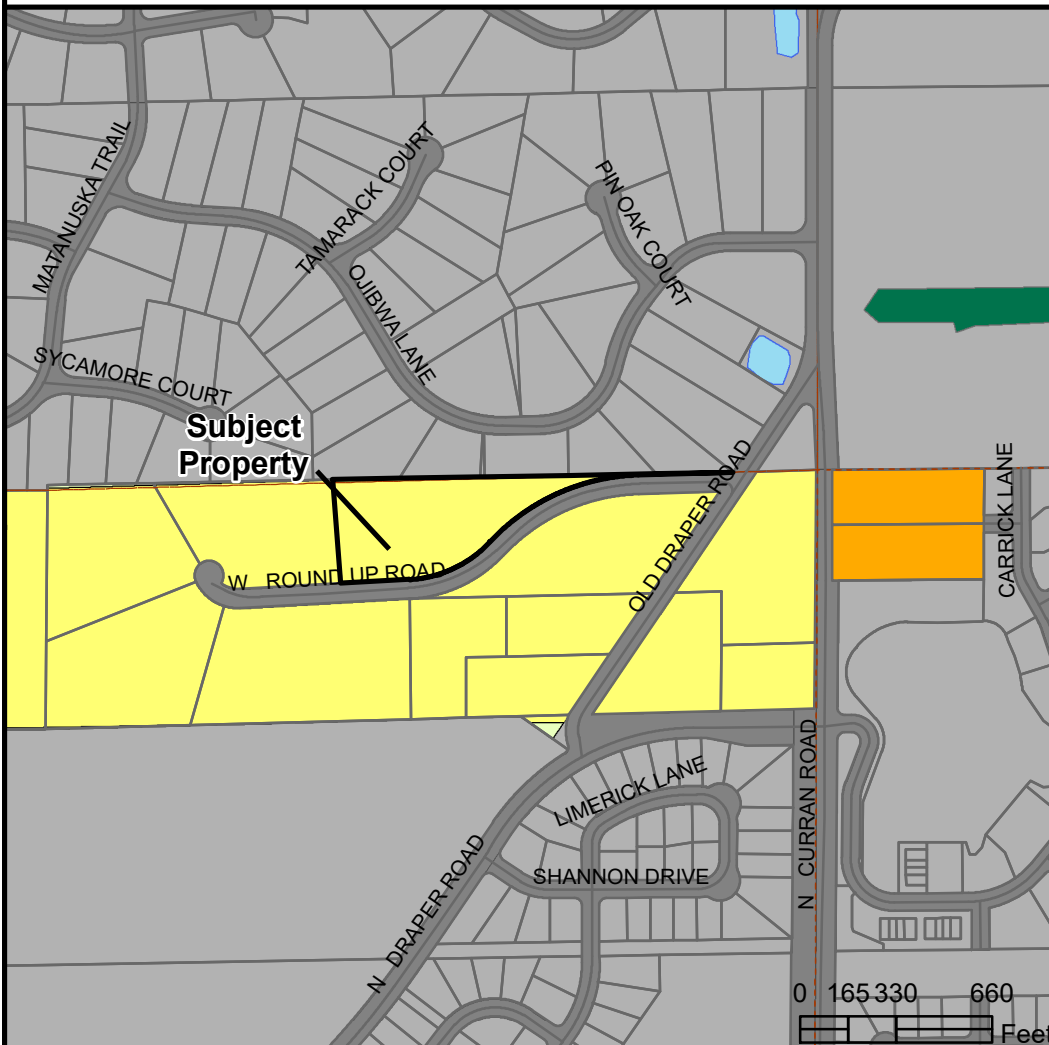
- A-1 Agriculture
- A-2 Agriculture
- E-5 Estate
- E-3 Estate
- E-2 Estate
- E-1 Estate
- R-1 Single-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- B-1 Neighborhood Business
- B-2 Liquor Business
- B-3 General Business
- O Office / Research
- I-1 Light Industrial
- I-2 Heavy Industrial
- PD Planned Development
- C Conditional Use
- V Variation
- Incorporated
- 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
  - TOD Existing Rail Station
  - TOD Future Rail Station
  - Active Earth Extraction Site
  - Municipality
- Scale: 1 inch = 1/8 mile

### Municipal/Township Plan Designations

McHenry Township: Estate

Bull Valley: No Designation

Wonder Lake: Residential

McHenry: Estate Residential

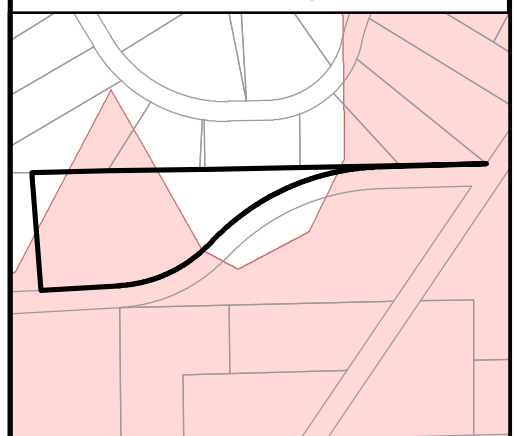
### McHenry County 2030 Comprehensive Plan — Text Analysis Land Use

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 PARTIALLY located in a zone with elevated contamination potential.

### Sensitive Aquifer Recharge Areas (SARA)

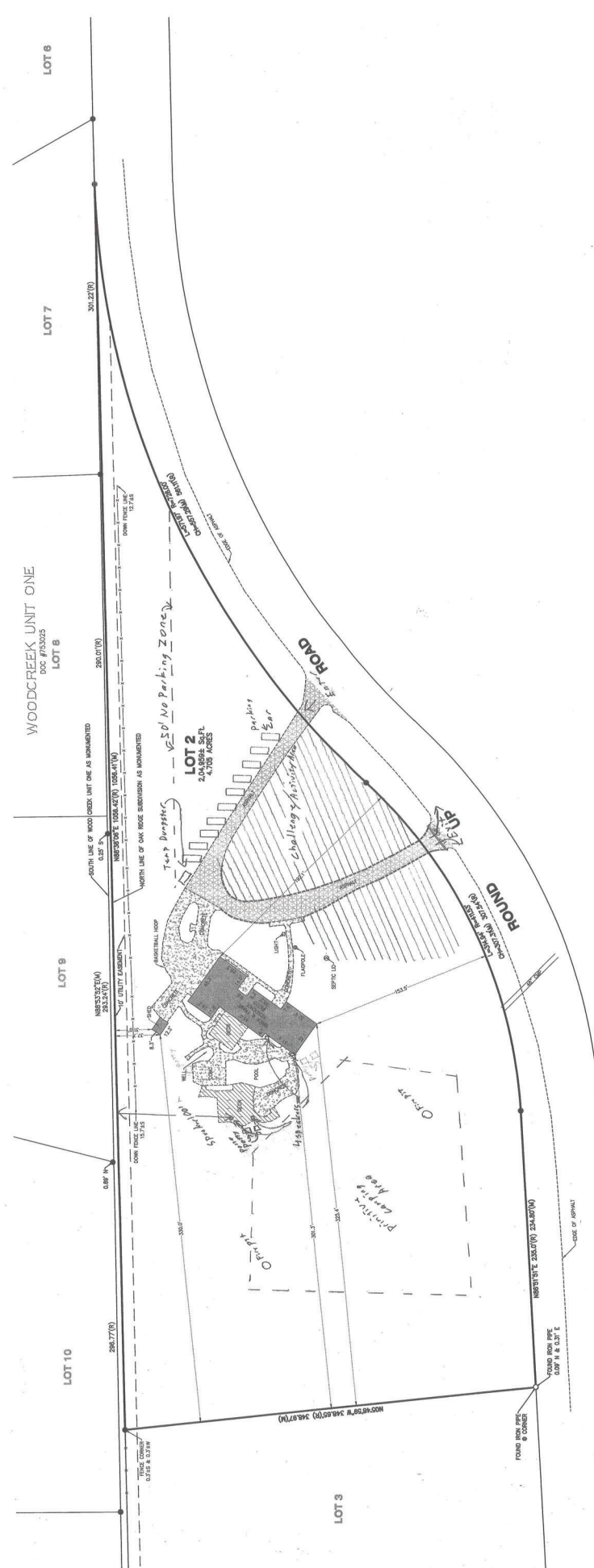


Sensitive Recharge Area



# PLAT OF SURVEY

Lot 2 in Oak Ridge Estates, a Subdivision of part of the East 50 acres of the North 100 acres of Section 20, Township 45 North, Range 8 East of the Third Principal Meridian, in the County of McHenry, State of Illinois, as shown in Survey Document No. 401681 in Block 14 of Plate Book 80, in McHenry County, Illinois.



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 this plat conforms to the current Illinois minimum standards for a boundary survey. Dated at Woodstock, McHenry County, Illinois, 4/23 A.D., 2013.   
 Vanderstephan Surveying & Engineering, Inc.   
 Design Firm No. 184-026782

By: \_\_\_\_\_ Illinois Professional Land Surveyor No. 2709

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description thereof is to be interpreted as a proper description of the required building lines or easements.   
 \* No underground improvements have been located unless shown and noted.   
 \* No representations as to ownership, use, or possession should be hereon implied.   
 \* This survey shall be of effect only with reference to the current or correct deed and duplicate thereof.   
 Compare your description and site markings with this plat and if there report any discrepancies which you may find.

LEGEND	
● FOUND IRON NAIL	● SET IRON NAIL
⊙ FOUND NAIL	⊙ SET NAIL
⊕ FOUND BRASS	⊕ SET BRASS
○ FOUND IRON PIPE	○ FOUND ALUMINUM
○ UNMARKED	○ DEDD



CLEARY, MICHAEL, SURVEYORS  
 BRUNN, P.J., SURVEYORS  
 11111 WOODSTOCK ROAD, WOODSTOCK, ILL. 60093  
 BASIS OF BEARING ASSUMED  
 P.L.N. 09-32-201-003  
 JOB NO. 130107  
 ALL DIMENSIONS GIVEN IN FEET AND INCHES  
 ALL DIMENSIONS CORRECTED TO D.P.T.  
 PAGES THEREOF CORRECTED TO D.P.T.

11111 WOODSTOCK ROAD, WOODSTOCK, ILL. 60093

**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

Nicole Neises  
2111 Tyler Trail  
McHenry, IL 60051

Re: Parcel # 09-32-201-003  
Common Location: 6310 Round Up Road, McHenry, IL 60050  
NRI# L24-047-4603  
Zoning Change: A1 to A1 Variance

Dear Ms. Neises:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for Natural Resource Information Report on the Michael Neises property as applied for in Report #L24-047-4603. Due to minimal or no new construction, 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 wetlands, hydric soils, or floodplains were found on the site from office maps. Our 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 black ink that reads "Ryan Bieber". The signature is written in a cursive, flowing style.

Ryan Bieber  
Urban Conservation Specialist

**HEARING OFFICER REPORT TO THE MCHENRY  
COUNTY BOARD IN THE MATTER OF PETITION #2024-028**

1. **Recommendation:** Deny the request to allow seven (7) days event duration instead of the maximum three (3) days permitted.  
Approve the request to allow the event to take place on a 4.705 acre-parcel instead of the minimum required five (5) acres .
2. **Applicant:** Nicole Neises
3. **Request:** Variation within the A-1V Agriculture district to allow for 1) a Temporary Entertainment Event to be seven (7) days in duration for the specified event instead of the maximum three (3) days allowed, and 2) the Temporary Entertainment Event to take place on a 4.705-acre parcel instead of the minimum five (5) acres required. (McHenry County Unified Development Ordinance §16.56.040.D.2)
4. **Location and size of property in question:** The subject property consists of approximately 4.705 acres and is located on the northwest side of Round Up Road, approximately 800 feet west of the intersection of Round Up Road and Old Draper Road. Common address: 6310 Round Up Road, McHenry, Illinois, in McHenry Township. PIN: 09-32-201-003
5. **Present at hearing:**  
Applicants: Nicole Neises  
Property Owner: Michael Neises  
Michael J. McNerney, Hearing Officer  
Kim Scharlow, County Staff  
Public: Mike Plachy, Lynnea Fung, Mehul Patel, Jennifer Campbell, William Campbell,
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 L24-047-4603.
8. **Summary of Testimony at the hearing:**

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

Ms. Neises stated that they are proposing to host a game based on the television show “Survivor”. Mr. McNerney asked if the event has been hosted previously on the site. Ms. Neises stated that they have hosted the event once per year for the last two (2) years. She stated that last year was seven (7) days long and the prior year was five (5) days long.

Mr. McNerney stated that he was the McHenry County Hearing Officer last year and asked why this was the first time he was presiding over this request. Staff stated that the County was not aware of previous events at the time. Ms. Neises stated that she did

not know she needed a permit. She received a letter from the County stating that she needed a permit for the event going forward.

Mr. McNerney asked how they propose to handle food service. Ms. Neises answered that they plan to utilize prepared foods as listed in the Category 2 Foods as indicated by the Health Department permit requirements.

Mr. McNerney asked how they propose to handle sanitation. Ms. Neises stated that they will have two (2) porta-potties and a hand washing station.

Mr. McNerney asked why they are requesting a seven (7) day timeframe. Ms. Neises stated that it is a lot of work to put on in a short time frame and that the participants really enjoy the experience.

Ms. McNerney asked Staff if the applicant would still require a variation if they only ran the event for the maximum three (3) days allowed. Staff stated that they would need a variation for the lot size. The Unified Development Ordinance (UDO) temporary use permit standards were recently amended to require that a parcel have five (5) acres to host a Temporary Entertainment Event.

Mr. McNerney asked if the temporary use permit would be granted if a variation was not required. Staff stated that if the requirements for a temporary use permit are met, then it would be issued. Mr. McNerney asked if those requirements are the same for a seven (7) day event or a three (3) day event. Staff stated that the requirements are the same.

Mr. McNerney asked Staff for their report. Staff stated that they received an email from a neighbor that had concerns. Staff stated that last year, a few neighbors contacted Planning and Development to express their concerns. Staff stated that several of these concerns can be addressed by placing conditions on the temporary use permit. Staff stated that the helicopter used last year would not be covered under the temporary use permit and therefore not allowed this year.

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

Mr. McNerney stated that granting this request could set a precedent for future requests.

Mr. McNerney stated that he is unable to recommend the variation request of seven (7) days instead of the maximum three (3) days allowed. He found that the applicant does not meet Variation Approval Standards number four (4) *that the alleged difficulty or hardship is caused by the ordinance and has not been created by any person personally having an interest in the property* and number seven (7) *that it will not confer the applicant any special privilege that is denied by this ordinance to other land or structure of the same zoning district.*

The Hearing Officer found that the request for the variation from five (5) acres to 4.705 acres does meet the Variation Approval Standards and recommended approval of the request.

The following conditions are recommended on the requested Variations:

- 1) *This Variation shall be limited to one (1) temporary entertainment event to take place in calendar year 2024.*
- 2) *All requirements of the McHenry County Public Health Ordinance must be met, and any applicable permits for temporary food service, sewage, water and/or sanitation must be obtained from the Department of Health prior to the event.*
- 3) *All requirements of the McHenry Township Fire Protection District must be met. A representative of the Fire Protection District shall inspect the site prior to commencement of the event.*
- 4) *All other federal, state, and local laws shall be met.*

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

The Witnesses have not met their burden of establishing the necessary ordinance standards. Accordingly, it is my recommendation that the petitioner's request for variation from seven (7) days instead of the maximum three (3) days be denied.

The Witnesses have met their burden of establishing the necessary ordinance requirements. Accordingly, it is my recommendation that the petitioner's request for variation from five (5) acres to 4.705 acres be granted with recommended conditions.

Respectfully submitted,

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