

IN THE MATTER OF THE APPLICATION OF )  
**THE ERIC R. BIRD**, OWNER )  
 FOR AN AMENDMENT OF THE UNIFIED DEVELOPMENT ) # 2024-030  
 ORDINANCE OF McHENRY COUNTY, ILLINOIS FOR )  
**A RECLASSIFICATION** )

WHEREAS, your Petitioner **Eric R. Bird, owner of record**, has filed an application with the McHenry County Zoning Board of Appeals requesting reclassification of the subject property from the **“A-1” Agriculture District to “A-2” Agriculture District** as it relates to the McHenry County Unified Development Ordinance, as it relates to the real property more fully described as:

Part of the East Half of the East Fractional Half of Section 3, Township 46 North, Range 5, East of the Third Principal Meridian, being described as follows: Commencing at the Northeast corner of said East Half of the East Fractional Half; thence South 89 degrees 49 minutes 19 seconds West along the North line thereof, 624.00 feet to the Place of Beginning; thence continuing South 89 degrees 49 minutes 19 seconds West along said North line, 241.00 feet; thence South 00 degrees 10 minutes 41 seconds East, 361.50 feet; thence North 89 degrees 49 minutes 19 seconds East, 241.00 feet; thence North 00 degrees 10 minutes 41 seconds West, 361.50 feet to the Place of Beginning, in McHenry County, Illinois.

**Part of PINs 01-03-200-002 and 01-03-400-002**

More commonly known as 22211 State Line Road, Harvard, Illinois in Chemung Township.

WHEREAS, the Application requests **reclassification of the subject property from its present classification which is “A-1” Agriculture District to “A-2” Agriculture District.**

WHEREAS, the subject property consists of approximately **two (2) acres** in which reclassification is contemplated.

WHEREAS, a hearing on said application was held before the Zoning Board of Appeals 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 the exhibits advanced thereat, the Zoning Board of Appeals of McHenry County did **recommend by a vote of 7 ayes and 0 nay the granting of the reclassification of the subject property from its present classification which is “A-1” Agriculture District to “A-2” Agriculture District.**

WHEREAS, the McHenry County Board has considered the recommendation as submitted by the Zoning Board of McHenry County.

WHEREAS, the McHenry County Board has determined that the requirements for reclassification of the subject property 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 the **reclassification of the subject property from its present classification which is "A-1" Agriculture District to "A-2" Agriculture District.**

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Chairperson, McHenry County Board  
McHenry County, Illinois

ATTEST:

\_\_\_\_\_  
County Clerk

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

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

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

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

**MCHENRY COUNTY**  
**ZONING BOARD OF APPEALS**  
**MINUTES | June 6, 2024**

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**Zoning Hearing**

**County Board Conference Room**  
**667 Ware Rd, Woodstock, IL 60098**

**1:30 PM**

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**ZONING BOARD OF APPEALS REPORT TO THE MCHENRY COUNTY BOARD - #2024-030**

- 1. APPLICANT:** Eric R. Bird
- 2. REQUEST:** A-1 Agriculture District to A-2 Agriculture District
- 3. LOCATION AND SIZE OF PROPERTY IN QUESTION:** The two (2) acre tract is located on the South side of State Line Road, approximately one thousand eight hundred and thirty-four (1,834) feet east of the intersection of State Line Road and Lilja Road, in Chemung Township with a common address of 22211 State Line Road, Harvard, Illinois. Part of PINs 01-03-200-002 and 01-03-400-002.
- 4. DATE AND TIME OF HEARING AND VOTING MEETING:** June 6, 2024 at 1:30 PM
- 5. LOCATION OF HEARING AND VOTING MEETING:** County Board Conference Room, 667 Ware Road, Woodstock, Illinois
- 6. PRESENT AT HEARING:**
  - A. ZBA Members: Vicki Gartner– Vice Chair, Charles Eldredge, Robert Kosin, Kurt Schnable, Thomas Jurs, Mary Donner, William Kurnik
  - B. Witness: Eric Bird
  - C. Attorney: None
  - D. Public: Anna Kurtzman – County Staff, Kit GearhartSchinske – County Staff
- 7. ITEMS OF EVIDENCE:** None
- 8. SUMMARY OF TESTIMONY AT HEARING:** Vice Chair Gartner opened the hearing. The board members introduced themselves. Ms. Gartner introduced the application. Ms. Gartner swore in the applicant and staff. Ms. Gartner asked the applicant if he would like to waive the reading of the application. Mr. Bird stated that he would. He introduced himself and stated that he purchased the

eighty-two (82) acre farm in 2022. He stated that he does not have a use for the home or buildings. He would like to sell them to someone who can use them.

Mr. Eldredge asked the applicant if he would like to incorporate his written answers to the Approval Standards for Map Amendment into his testimony. Mr. Bird stated that he would.

Staff gave their report. The current zoning is "A-1" Agricultural. The area North of State Line Road is Wisconsin. The surrounding zoning South of the State Line Road is "A-1" Agricultural. Staff stated that the surrounding land uses south of State Line Road are primarily agricultural with some scattered single-family residences, zoned "A-2" Agriculture District, in the area. The future land use map indicates Agriculture. The standards for rezoning from an "A-1" to "A-2" have been met. The request meets the future land use designation and is consistent with the area.

Ms. Gartner closed the testimony portion of the hearing.

**9. SOIL AND WATER CONSERVATION DISTRICT REPORT:**

For further information refer to report number: L24-042-4598.

**10. ILLINOIS DEPARTMENT OF NATURAL RESOURCES:**

This consultation was not required for this application.

**11. SUMMARY OF VOTING MEETING DISCUSSION:**

Vice Chair Gartner opened the voting meeting immediately following the hearing.

Mr. Eldredge motioned to accept the petition as submitted. Mr. Jurs seconded the motion.

Mr. Eldredge stated that this is a very typical "A-1" Agriculture District to "A-2" Agriculture District application for this area. He stated that the farmer does not have a use for the buildings without becoming a landlord, but he wishes to preserve the buildings. It is public policy to preserve these homesites. He stated that the standards for a map amendment and for reclassification from "A-1" District to "A-2" District have been met. Motion carried.

**12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:**

- The current zoning is "A-1" Agricultural.
- The surrounding zoning is "A-1" Agricultural.
- The future land use map indicates agricultural development.
- The Standards for a Map Amendment have been met.
- The Standards for an "A-1" Agriculture District to an "A-2" Agriculture District have been met.

**13. FACTS THAT SUPPORT RECOMMENDING DENIAL OF THE REQUEST:** None.

**14. MOTIONS:** Mr. Eldredge motioned to accept the petition as submitted. Mr. Jurs seconded the motion. Motion carried.

**15. VOTE:**

7 – AYES; 0 – NAYS; 0 - ABSTAIN

**GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR Approval of the map amendment from A-1 Agriculture District to A-2 Agriculture District.**

Full Comments and complete application submittal for the above agenda items are available on the McHenry County Meeting Portal.

# Staff Report for the McHenry County Zoning Board of Appeals

**Application:** #2024-030

**PIN:** Part of 01-03-200-002 and 01-03-400-002

**Address:** 22211 State Line Road, Harvard

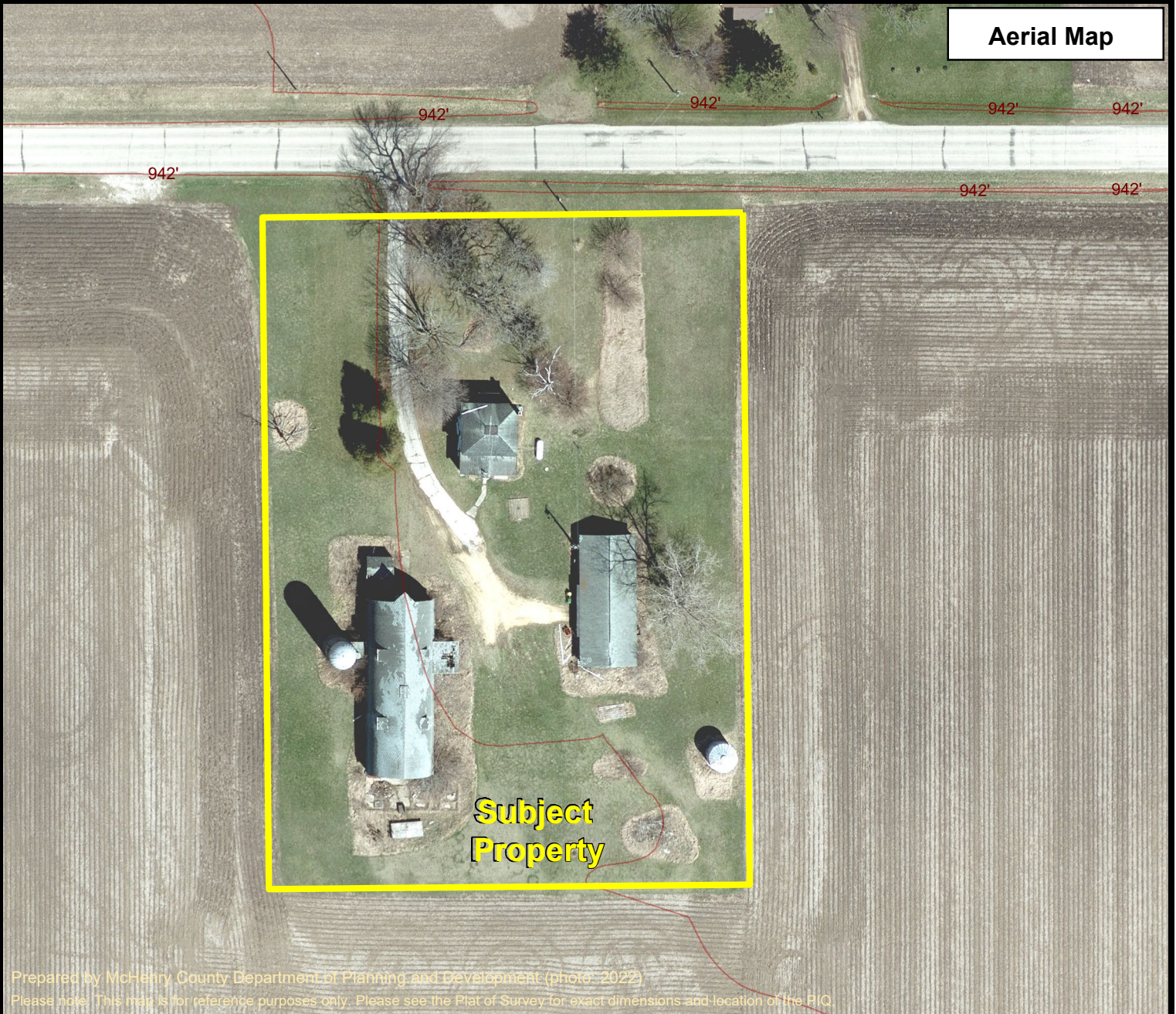
**Applicant:** Eric R. Bird

**Request:** A-1 Agriculture District to A-2 Agriculture District

**Hearing:** June 6, 2024

**Location:** The two (2) acre tract is located on the South side of State Line Road, approximately one thousand eight hundred and thirty-four (1, 834) feet east of the intersection of State Line Road and Lilja Road, in Chemung Township.

**Aerial Map**



Prepared by McHenry County Department of Planning and Development (photo: 2022)  
Please note: This map is for reference purposes only. Please see the Plat of Survey for exact dimensions and location of the PIQ.

**Elevation**

(feet above sea level)

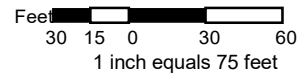
- 10-foot contours
- 2-foot contours

**ADID Wetland Map 2005**

- High Functional Value Wetland (hfvw)
- 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



# Staff Report for the McHenry County Zoning Board of Appeals

## **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-1 Agriculture District to the A-2 Agriculture District on a two (2.0) acre tract of land, which is part of a larger eighty-two (82) acre tract. According to the plat of survey, the subject property contains: a frame single-family residence, and two (2) detached accessory buildings, two (2) silos, and an asphalt/gravel driveway.

## **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 A-2 District Rezoning Standards, listed in §16.36.020 of the *McHenry County Unified Development Ordinance*.

## **STAFF ANALYSIS**

### Current Land Use & Zoning

The property is currently zoned A-1 Agriculture and has been used as a Single-Family Residence with Agriculture uses. The proposed reclassification is consistent with the A-1 zoning of the properties to the east, west, and south and the A-2 zoning of properties along the south side of State Line Road (properties north of State Line Road are not within the County's jurisdiction). The proposed reclassification is consistent with surrounding Agriculture and Single-Family Residential uses within a quarter (1/4) mile of the subject property.

### 2030 Comprehensive Plan Future Land Use map

The proposed reclassification is consistent with the future land use designations of **Agriculture**.

### 2030 Comprehensive Plan & 2030 and Beyond Analysis

The 2030 Comprehensive Plan and 2030 and Beyond Plan support the reclassification to the A-2 Agriculture District. There is minimal impact to the agricultural, 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 choices for all residents." (p.12)*

- The proposed reclassification will preserve the rural landscape and will not increase the density already established for this area.

#### Big Idea #2 Let's build on our strengths

*"We can make it happen by preserving our open space and agricultural landscapes, which provide recreational opportunities, including ecotourism, and sustain our rural lifestyle and agricultural industry." (p. 14)*

- The proposed reclassification is a mechanism to preserve agricultural lands in the county.

#### 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)*

- The proposed reclassification is consistent with the agriculture use of the surrounding properties. Granting the reclassification would not prohibit agriculture uses in the area to continue.

#### Big Idea #4 Let's expand our economy

No applicable text.

Community Character & Housing

*“Living with the land is the core belief of the rural lifestyle and it’s because of these farmers, conservationists, and caretakers that the County is able to still hold on to its history and traditions....” “It is this way of life that still gives McHenry County its rural character. It fosters the protection of nature, the recharging of aquifers, and the preservation of the County’s rich resources for future generations.” (p. 23)*

- Reclassification to the A-2 Agriculture District preserves the essential aspects of the rural character by allowing agriculture uses to continue.
- A portion of the property is within the Sensitive Aquifer Recharge Area (SARA).

Agricultural Resources

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

- The proposed reclassification to the A-2 Agriculture District would have a minimal impact to agricultural resources and allow agriculture land uses to continue.

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. The letter indicates that a full report isn’t necessary due to the size of the property and the lack of proposed improvements. This letter also notes that there is a small amount of hydric soil on the larger tract, but this is not near the area being considered for rezoning. Please refer to attached NRI Letter #L24-042-4598 for details.

Water Resources

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

- The proposed reclassification does not 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-1 Agriculture District to the A-2 Agriculture District on two (2.0) acres. The request is consistent with the existing Agriculture and Single-Family Residential land uses of the area. The request is also consistent with the recommendations provided in the 2030 and Beyond Plan and the 2030 Comprehensive Plan text. The reclassification is consistent with the future land use map designations of **Agriculture**. A portion of the subject property is located in a sensitive aquifer recharge area (SARA). Staff has no objection to the applicant’s request for reclassification.



## **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.*

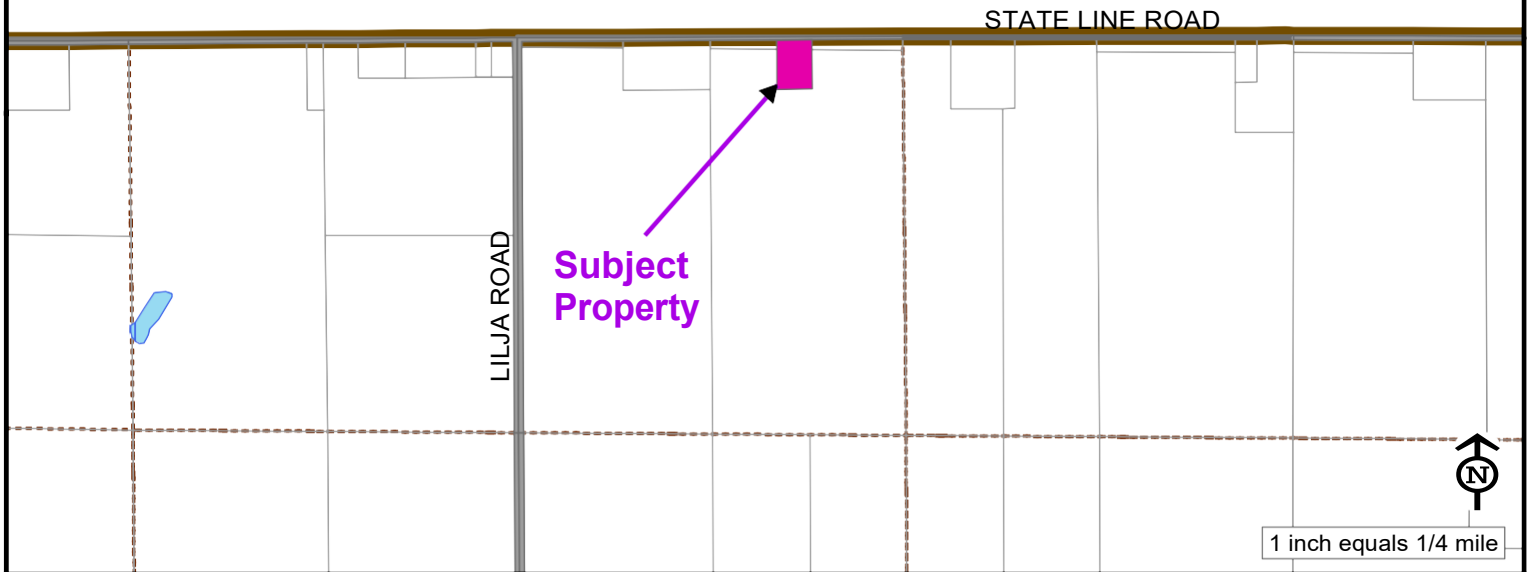
- a. The compatibility of the proposed zoning with the existing use and zoning of nearby property.
- b. The extent to which property values of the subject property are diminished by the existing zoning.
- c. The extent to which the public health, safety, and welfare of the public are promoted by the 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 16.36.020 of the McHenry County Unified Development Ordinance

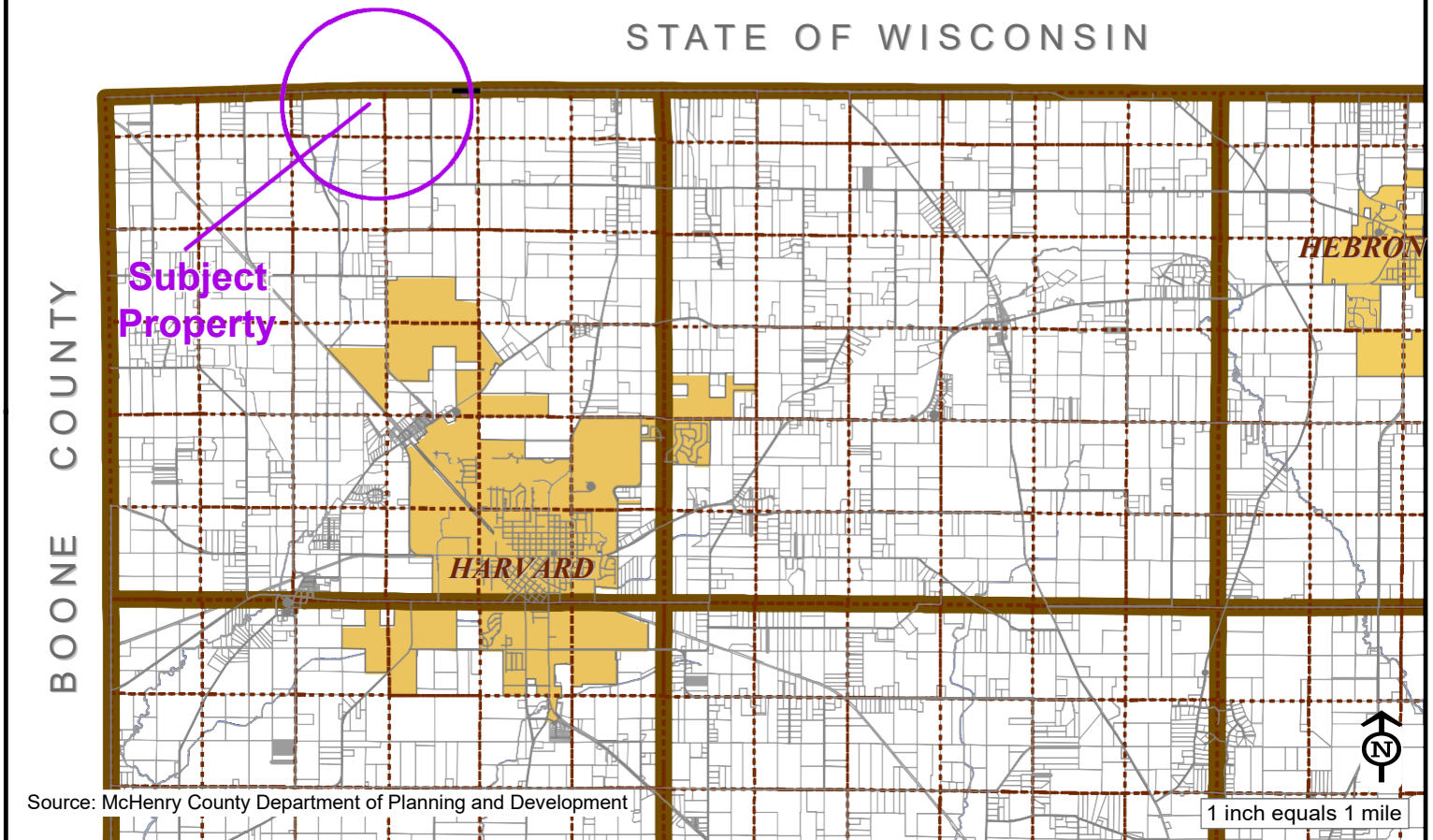
In addition to meeting the standards for a map amendment in § [16.20.010](#) (Zoning Map and Text Amendment), all rezonings to the A-2 District must meet the following additional requirements:

- A. Only property in the A-1 District is eligible for rezoning to the A-2 District.
- B. The subject property shall have an existing lawfully constructed residential dwelling on the property. Mobile homes, agricultural trailers, and agriculture employee housing do not qualify under this standard.
- C. The zoning petition shall be restricted to a single existing or proposed parcel.
- D. The subject property shall meet one (1) of the following three (3) relevant exemptions from the Plat Act (765 ILCS 205/ *et seq.*) as amended. In the event that the Plat Act is amended, the provisions of the Illinois Compiled Statutes shall control.
  1. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access.
  2. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
  3. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor, provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.

STATE OF WISCONSIN

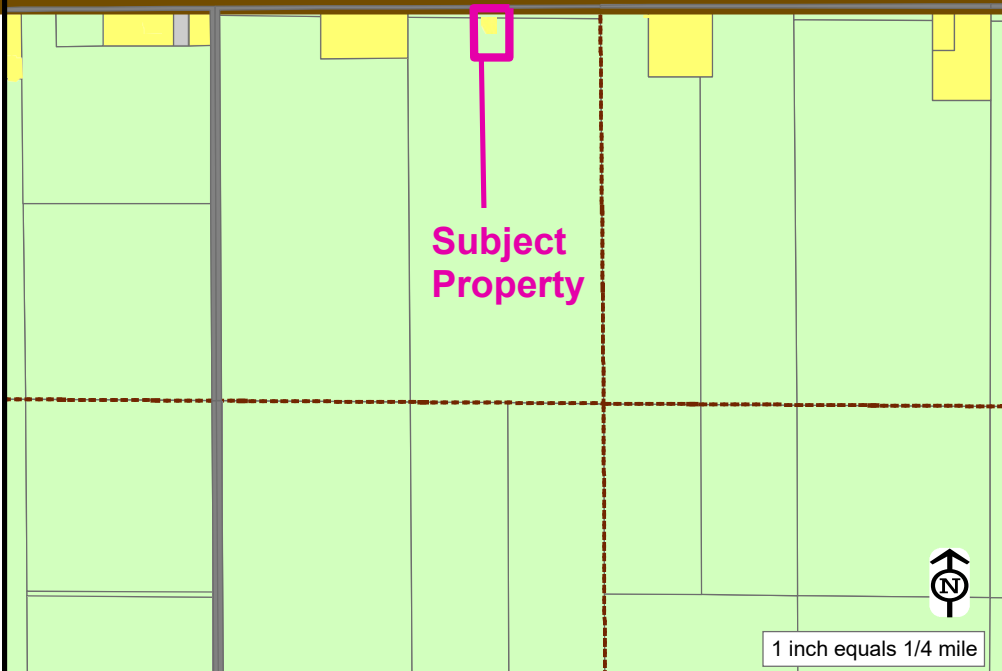


STATE OF WISCONSIN



**Current Land Use Map**

STATE OF WISCONSIN



**Current Land Use**  
Agriculture and Single-Family Residential

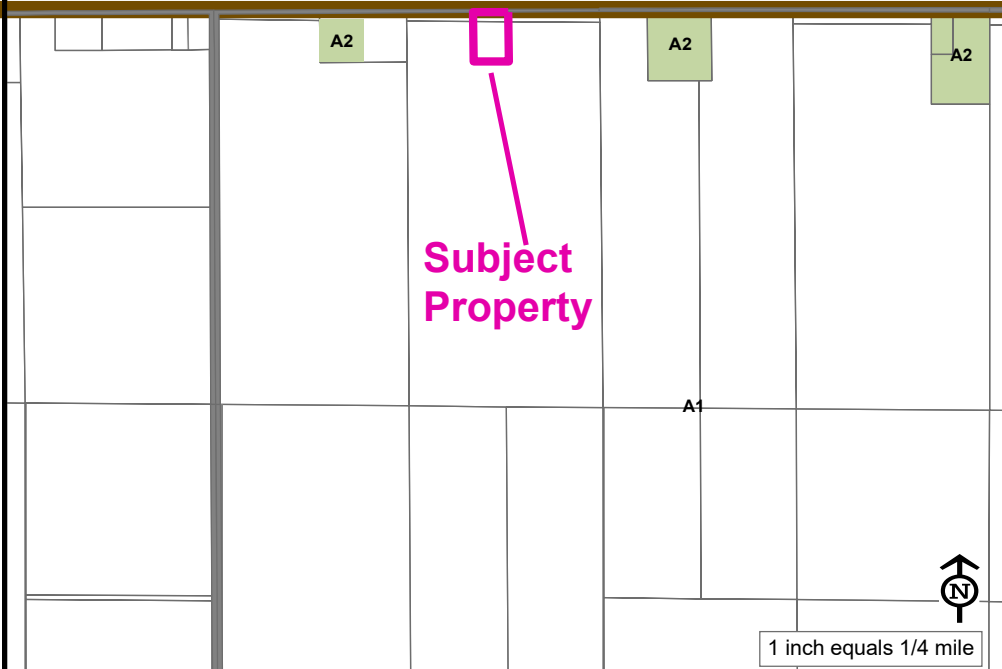
**Adjacent Land Use(s)**

North: State of Wisconsin  
South: Agriculture  
East: Agriculture  
West: Agriculture

- 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**

STATE OF WISCONSIN



**Current Zoning**  
A-1 Agriculture

**Adjacent Zoning**

North: State of Wisconsin  
South: A-1 Agriculture  
East: A-1 Agriculture  
West: A-1 Agriculture

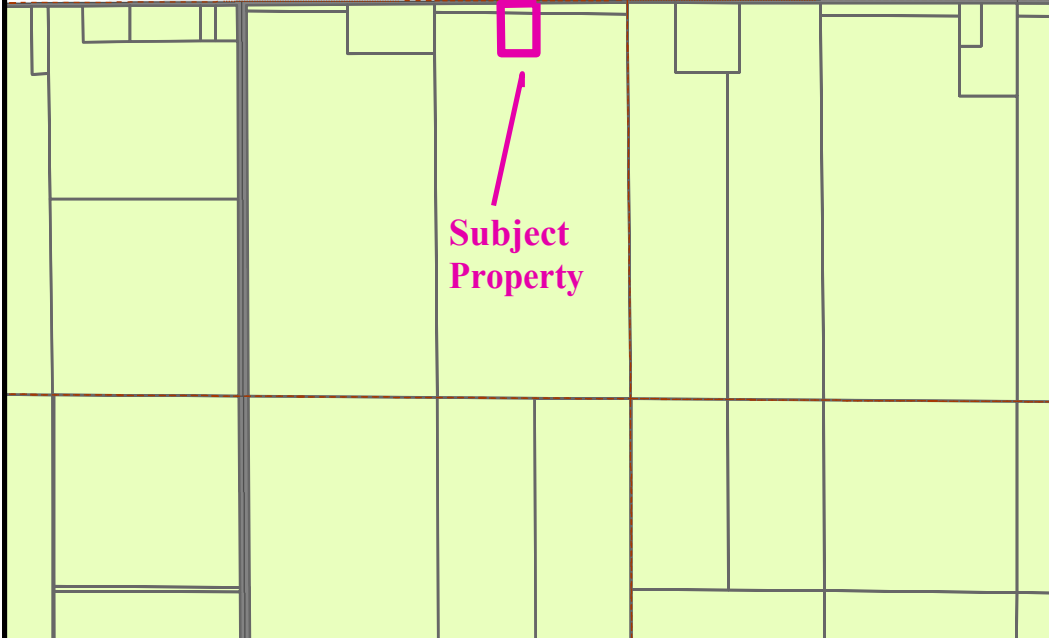
- A-1 Agriculture
- A-2 Agriculture
- E-5 Estate
- E-3 Estate
- E-2 Estate
- E-1 Estate
- R-1 Single-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- B-1 Neighborhood Business
- B-2 Neighborhood Business
- B-3 General Business
- O Office / Research
- I-1 Light Industrial
- I-2 Heavy Industrial
- PD Planned Development
- C Conditional Use
- V Variation
- Incorporated

**McHenry County 2030 Comprehensive Plan Future Land Use Map**

**Future Land Use Map Designation**

*Agricultural*

**STATE OF WISCONSIN**



- 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**

Chemung Township: Agriculture Area

**McHenry County 2030 Comprehensive Plan — Text Analysis**

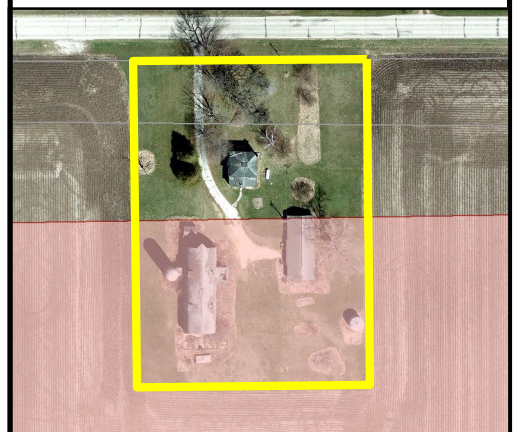
Land Use

*AGRICULTURAL* – represents existing agricultural acres, including cropland, pastureland, farm yards, and farmsteads, that should remain in agricultural use through the 2030 planning horizon. Development in the Agricultural District should be strictly limited to agriculture, agricultural residences, and agricultural support uses. (p. 134)

Sensitive Aquifer Recharge Areas

A portion of the site is located in a zone with elevated contamination potential.

**Sensitive Aquifer Recharge Areas (SARA)**



Sensitive Recharge Area

**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 11, 2024

Eric Bird  
1688 Brandywine Lane  
Dixon, IL 61021

Re: Parcel # 01-03-200-002 & 01-03-400-002  
Common Location: 22211 Stateline Road, Harvard, IL 60033  
NRI# L24-042-4598  
Zoning Change: A1 to A2

Dear Mr. Bird:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for a Natural Resource Information Report on the Eric Bird property as applied for in Report #L24-042-4598. Due to no or 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.

Office maps also indicate the presence of hydric soils in the southeast corner of parcel 01-03-400-002 (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.

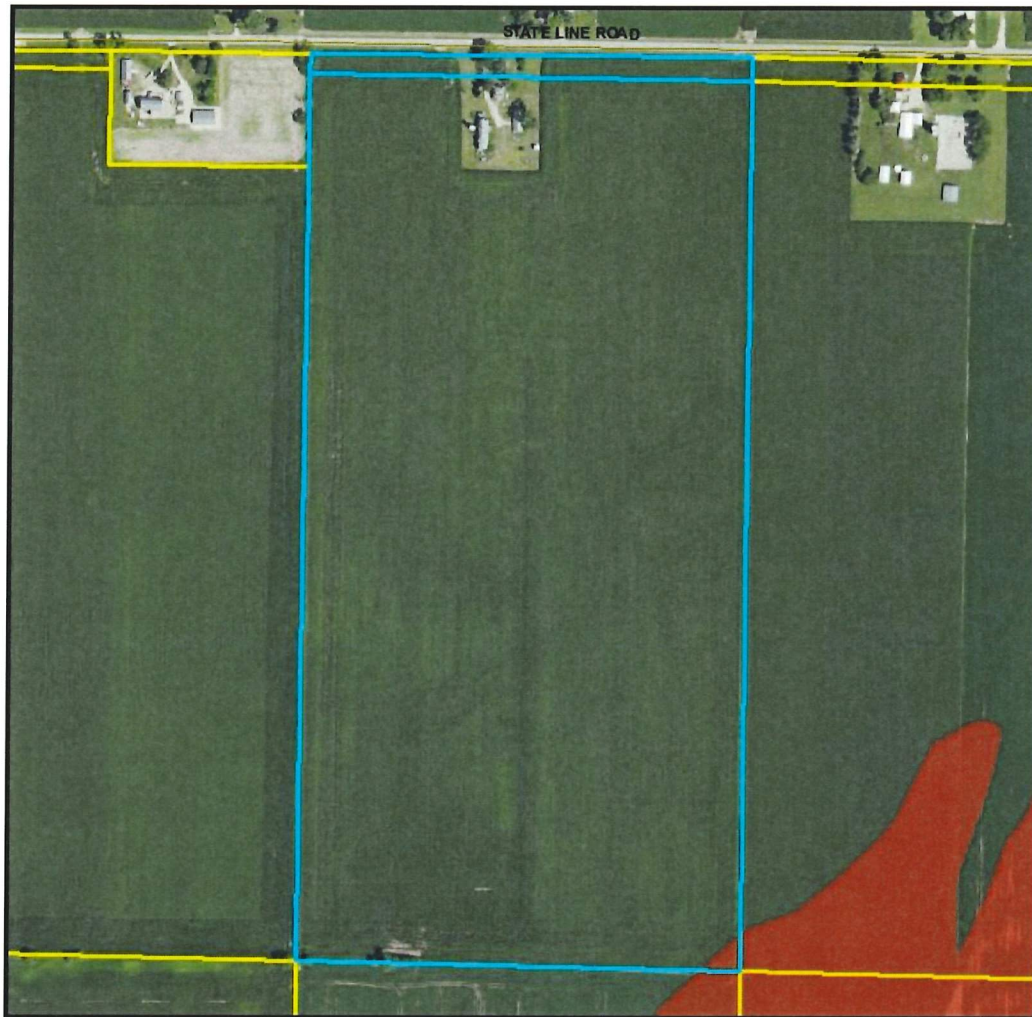
This letter fulfills your requirement to notify the SWCD of land use changes as per the Illinois Compiled State Statutes, Chapter 70, Par. 405/1 et seq. Illinois Revised Statutes, Ch. 5, Par 106 et seq. and the McHenry County Stormwater Ordinance. If you have any questions concerning this letter, feel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

Sincerely,

Ryan Bieber  
Urban Conservation Specialist



# Hydric Soil Locations Map



0 150 300 600 900 1,200 Feet

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



**Key To Features**

 Hydric Soil

*Resources for the Future*

This transcript was exported on Jun 12, 2024 - view latest version [here](#).

Okay, thank you.

Are there any questions for Anna from the board members?

Robert Kosin:

No.

Vicki Gartner:

Okay. Moving on. Would you like to give a closing statement or just beg us to approve?

Eric Bird:

If you can approve these, I would appreciate it greatly.

Vicki Gartner:

We'll think about it.

Charles Eldredge:

It is what it is.

Vicki Gartner:

So we'll close the hearing portion now of this hearing and, or the testimony portion and we'll move on to the voting portion.

Thomas Jurs:

Madam Chairman, I move acceptance of the petition as presented.

Charles Eldredge:

I'll second that.

Vicki Gartner:

Hold on. I have to catch up with you. This is the hard part for [inaudible 00:07:40].

Okay. And do you have any comments?

Charles Eldredge:

Yes. This is a two-acre parcel on Stateline Road between US14 and Welcher Road, across the street from the state of Wisconsin. It is part of an eighty-two-acre farm parcel that has been there forever. And the farmer, as is typical in these cases, has no use for the farm buildings. They're surplus to his operation and wishes to preserve them without becoming a landlord, which is pretty much his other option. It is the public policy of McHenry County to preserve these historic farmsteads and the best way to do so is separating them from the rest of the farmland and selling them to somebody who wants to live in the country on a small farmland. I believe that all the standards have been met. I believe that it is in the public interest to support this petition and I shall vote in favor.

Vicki Gartner:

Thank you. Ms. Donner?



Mary Donner:

I concur with Mr. Eldredge.

Vicki Gartner:

Mr. Kosin?

Robert Kosin:

I believe all the information as submitted fulfills a vote in the favor of this petition.

Vicki Gartner:

Mr. Schnable?

Kurt Schnable:

I totally agree.

Thomas Jurs:

Ditto.

Vicki Gartner:

Mr. Kurnik?

William Kurnik:

Being last in line, I can say ditto to what everybody else said as well.

Vicki Gartner:

And I agree. I'll call the roll. Mr. Eldredge?

Charles Eldredge:

Yes.

Vicki Gartner:

Mr. Kosin?

Robert Kosin:

Yes.

Vicki Gartner:

Mr. Schnable?

Kurt Schnable:

Yes.

Vicki Gartner:

Mr. Jurs?

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Thomas Jurs:

Yes.

Vicki Gartner:

Ms. Donner?

Mary Donner:

Yes.

Vicki Gartner:

Mr. Kurnik?

William Kurnik:

Yes.

Vicki Gartner:

And I will vote yes as well. So that is a seven to three vote in favor of the petition, which will go to the county board for the final approval.

Charles Eldredge:

That's way it ought to be.

Vicki Gartner:

Next month, right? Yes.

Robert Kosin:

Thank you.

Vicki Gartner:

With that, the hearing is closed.