

WHEREAS, your Petitioners David Mey and Kimberly A. Mey, owners of record, have filed an application with the McHenry County Zoning Board of Appeals requesting reclassification of the subject property from the "A-2" Agriculture District to "E-1" Estate District with a variation to allow minimum lot frontage of one hundred thirty-five and fifty-eight hundredths (135.58) feet instead of the minimum one hundred fifty (150) feet required as it relates to the McHenry County Unified Development Ordinance, as it relates to the real property more fully described as:

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 44 NORTH, RANGE 8 DESCRIBED AS FOLLOWS: COMMENCING AT A POINT LOCATED ON THE WEST LINE OF SAID QUARTER QUARTER, 296.36 FEET NORTH OF THE SOUTHWEST CORNER OF SAID QUARTER OUARTER; THENCE NORTH 0°09'34" EAST ALONG THE WEST LINE OF SAID QUARTER QUARTER FOR A DISTANCE OF 458.81 FEET TO THE CENTERLINE OF CRYSTAL LAKE- MCHENRY ROAD (COUNTY ROUTE #6); THENCE NORTHERLY ALONG THE CENTERLINE OF SAID COUNTY ROUTE #6, BEING ALONG A CURVE HAVING A RADIUS OF 1685.42 FEET AS SAID CURVE IS CONVEXED TO THE WEST FOR AN ARC DISTANCE OF 7.62 FEET FOR A POINT A BEGNINING; THENCE CONTINUING NORTHERLY ALONG SAID CENTERLINE, BEING A CURVE HAVING A RADIUS OF 1685.42 FEET, AN ARC DISTANCE OF 135.58 FEET; THENCE NORTH 89°16'15" EAST, 704.88 FEET; THENCE SOUTH 00°08'44" WEST, 133.70 FEET; THENCE SOUTH 89°16'15" WEST, 725.20 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS

Part of PIN 14-17-426-009

More commonly known as 2708 Walkup Road, Crystal Lake, Illinois, in Nunda Township.

WHEREAS, the Application requests reclassification of the subject property from its present classification which is "A-2" Agriculture District to "E-1" Estate District with a variation to allow minimum lot frontage of one hundred thirty-five and fifty-eight hundredths (135.58) feet instead of the minimum one hundred fifty (150) feet required.

WHEREAS, the subject property consists of approximately **two and nineteen hundredths** (2.19) 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 6 ayes and 0 nay the granting of the reclassification of the subject property from its present classification which is "A-2" Agriculture District to "E-1" Estate District with a variation to allow minimum lot frontage of one hundred thirty-five and fifty-eight hundredths (135.58) feet instead of the minimum one hundred fifty (150) feet required.

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-2" Agriculture District to "E-1" Estate District with a variation to allow minimum lot frontage of one hundred thirty-five and fifty-eight hundredths (135.58) feet instead of the minimum one hundred fifty (150) feet required.*

MCHENRY COUNTY

ZONING BOARD OF APPEALS

MINUTES I June 13, 2024

Zoning Hearing	County Board Conference Room	1:30 PM
	667 Ware Rd, Woodstock, IL 60098	

ZONING BOARD OF APPEALS REPORT TO THE MCHENRY COUNTY BOARD - #2024-031

- **1. APPLICANT:** David and Kimberly Mey
- **2. REQUEST:** "A-2" Agriculture District to "E-1" Estate District with a variation to reduce the minimum lot frontage from one hundred fifty (150) feet to one hundred thirty-five (135) feet
- **3. LOCATION AND SIZE OF PROPERTY IN QUESTION:** The two point nineteen (2.19) acre tract is located on the East side of Walkup Road, approximately four hundred twenty-five (425) feet south of the intersection of Walkup Road and Crystal Springs Road, in Nunda Township with a common address of 708 Walkup Road.
- 4. DATE AND TIME OF HEARING AND VOTING MEETING: June 13, 2024, 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
 - B. Witness: Kim Mey and David Mey
 - 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

applicants and staff. Ms. Gartner asked the applicants if they would like to waive the reading of the application. Mr. Mey stated that they would.

The applicants introduced themselves. Mr. Mey stated that they would like to subdivide the property to allow their children to build a home on the site.

Mr. Kosin asked if they had received approval for driveway access on Bridlewood Lane from the road district. Mr. Mey stated that they did.

Ms. Donner asked what road their address would be on. Staff stated that the ordinance dictates that the address is based off the road with driveway access.

Mr. Eldredge asked the applicants if they would like to incorporate their written responses to the approval standards for map amendment and variation in their application into their testimony. Mr. Mey stated that they would.

Staff gave their report. The property was rezoned to "A-2" Agricultural District this past year. The surrounding zoning is "E-1" Estate District with some "R-1" Single Family Residential to the west. Staff stated that the surrounding land uses are primarily residential. The future land use map indicates residential. The request meets the future land use designation and is consistent with the area. Staff stated that the county has not received comments from the public.

Ms. Gartner stated that today's board consists of six (6) members instead of the full seven (7) members. She asked the applicants if they would like a vote today from the six (6) members or if they would prefer to continue the vote to a date certain in order to have a full seven (7) member board. Mr. Mey stated that they would like a vote today.

Ms. Gartner closed the testimony portion of the hearing.

9. SOIL AND WATER CONSERVATION DISTRICT REPORT:

For further information refer to report number: L22-058-4449.

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 for map amendment and variation as submitted. Ms. Donner seconded the motion. Mr. Eldredge stated that the request is in line with the surrounding area. He stated that it is compatible with the 2030 Land Use Plan. He stated that the requested variation is minor. Motion carried.

12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:

- The current zoning is A-2 Agricultural.
- The surrounding zoning is "E-1" Estate and "R-1" Single Family Residential.
- The future land use map indicates residential development.
- 13. FACTS THAT SUPPORT RECOMMENDING DENIAL OF THE REQUEST: None.
- **14. MOTIONS:** Mr. Eldredge motioned to accept the petition as submitted. Ms. Donner seconded the motion. Motion carried.

15. VOTE:

6 - AYES; 0 - NAYS; 0 - ABSTAIN

GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR Approval of the map amendment from "A-2" Agriculture District to "E-1" Estate District with variation.

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: #2024-031

PIN: Part of 14-17-426-009

Address: 708 Walkup Road, Crystal Lake

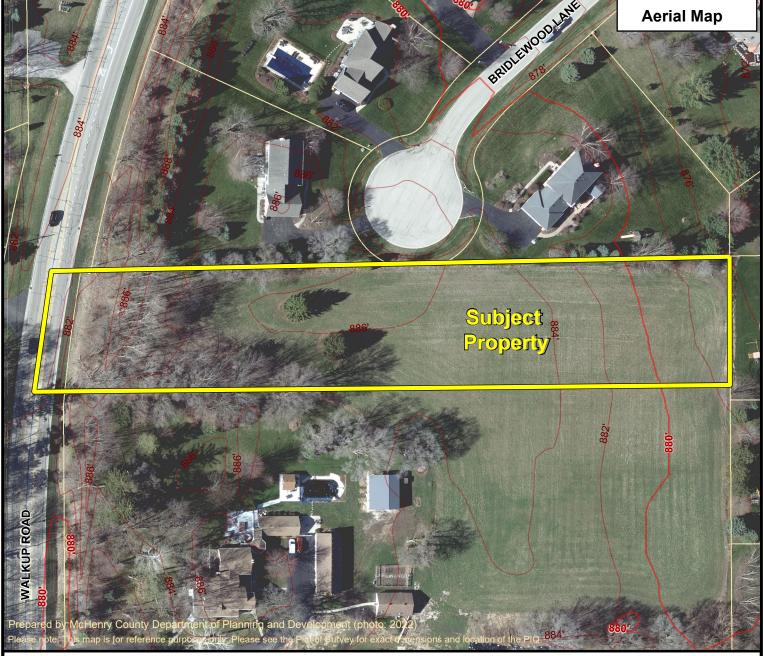
Request: A-2 Agriculture District to E-1 Estate District with a variation to reduce the minimum lot frontage from one hundred fifty (150) feet to one hundred thirty-five

(135) feet

Hearing: June 13, 2024

Applicant: David and Kimberly Mey

<u>Location</u>: The two point nineteen (2.19) acre tract is located on the East side of Walkup Road, approximately four hundred twenty-five (425) feet south of the intersection of Walkup Road and Crystal Springs Road, in Nunda Township.



Elevation

(feet above sea level)
——— 10-foot contours

2-foot contours

ADID Wetland Map 2005

High Functional Value Wetland (hfvw) High Quality Wetland (hqw)

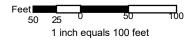
Wetland (w)

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-2 Agriculture District to the E-1 Estate District on a two point nineteen (2.19) acre tract of land. The subject property was granted the A-2 Agriculture designation on October 17, 2023 (Case # 2022-043). According to the plat of survey, there are no improvements on this tract. The legal description of the proposed reclassification has one hundred thirty-five (135) feet of frontage along Walkup Road, which does not meet the minimum road frontage requirement of one hundred fifty (150) feet. Hence, the requested fifteen (15) foot variance request.

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 Approval Standards for Zoning Variations, listed in §16.20.020.F of the *McHenry County Unified Development Ordinance*.

STAFF ANALYSIS

Current Land Use & Zoning

The property is currently zoned A-2 Agriculture and is not improved. The proposed reclassification is consistent with the predominate R-1 and E-1 zoning of the surrounding properties.

2030 Comprehensive Plan Future Land Use map

The proposed reclassification is consistent with the future land use designation of Residential.

2030 Comprehensive Plan & 2030 and Beyond Analysis

The 2030 Comprehensive Plan and 2030 and Beyond supports the reclassification to E-1 Estate. There are potential impacts to 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 choice for all residents." (p. 12)

• The subject property is about four hundred (400) feet to the south of the Village of Bull Valley.

Big Idea #2 Let's build on our strengths

"We can make it happen by preserving our wide array of housing choices and lot sizes – from rural to urban." (p. 14)

• The proposed reclassification, if granted, could allow a slight increase in density on the property. This increase in density would be consistent with the density of the area.

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)

• See comments from Big Idea #1, above.

Big Idea #4 Let's expand our economy

No applicable text.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

"Promote increased density and compact contiguous development." (p. 15)

• The subject property is within close proximity to the Village of Bull Valley.

Agricultural Resources

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

• Reclassification does not, in and of itself, impact the ability to farm the property as agricultural is a permitted use in all zoning classifications.

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. This report]notes that the subject property does have a high aquifer contamination potential however it is not within a Sensitive Aquifer Recharge Area. Please refer to attached NRI #L22-058-4449.

Water Resources

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

• The proposed reclassification does not, in and of itself, include any new improvements that would increase impervious surface area.

Economic Development

No applicable text.

<u>Infrastructure</u>

No applicable text.

STAFF ASSESSMENT

The applicant is requesting a map amendment from the A-2 Agriculture District to the E-1 Estate District on a two point nineteen (2.19) acre tract of land. The request is consistent with the Future Land Use map designation of Residential and the existing Estate and Single-Family Residential land uses of the area. Properties in the immediate vicinity are zoned either E-1 Estate, R-1 Residential or the one (1) acre A-1 Agriculture tract to the southeast. The subject property is not located in a sensitive aguifer recharge area (SARA).

In addition to the reclassification, the applicant is also seeking a variation to reduce the required lot frontage by fifteen (15) feet from one hundred fifty (150) feet to one hundred thirty-five (135) feet along Walkup Road.

Staff is not opposed to the map amendment.

Report prepared May 28, 2024, by Anna Kurtzman, Senior Planner - McHenry County Department of Planning & Development.

Section 16.20.010.E.1 of the McHenry County Unified Development Ordinance

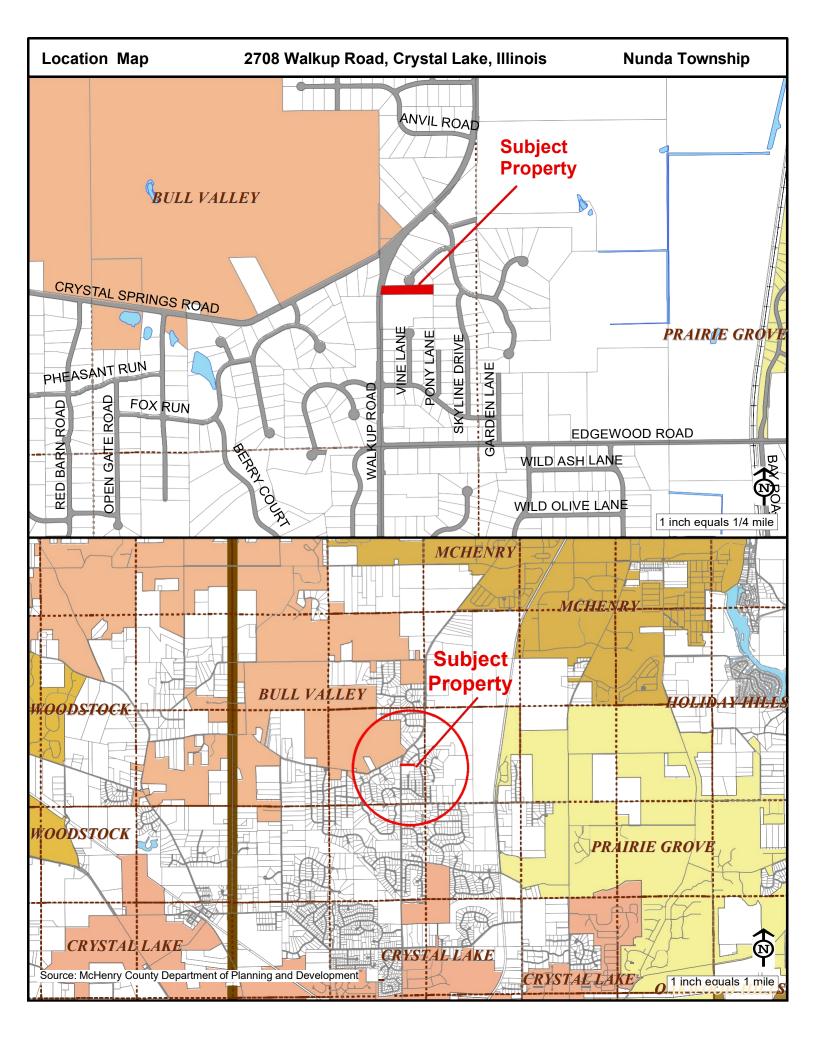
Approval Standards for Zoning Amendments. The Zoning Board of Appeals recommendation and the County Board decision shall consider the following standards. However, the Zoning Board of Appeals' recommendation and the County Board's decision on any zoning text or map amendment is not controlled by any one factor under the following standards, but rather the approval of amendments is based on a balancing of the factors under each standard.

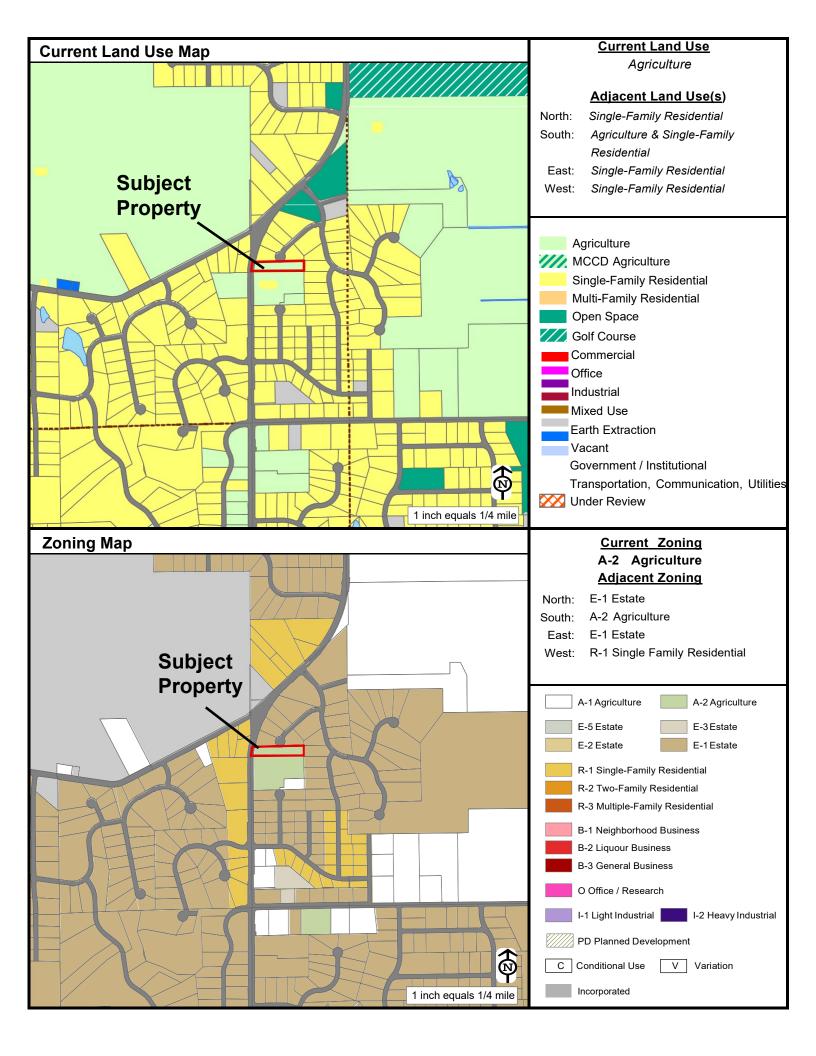
- 1. Approval Standards for Map Amendments.
 - a. The compatibility of the proposed zoning with the existing use and zoning of nearby property.
 - b. The extent to which property values of the subject property are diminished by the existing zoning.
 - c. The extent to which the public health, safety, 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.

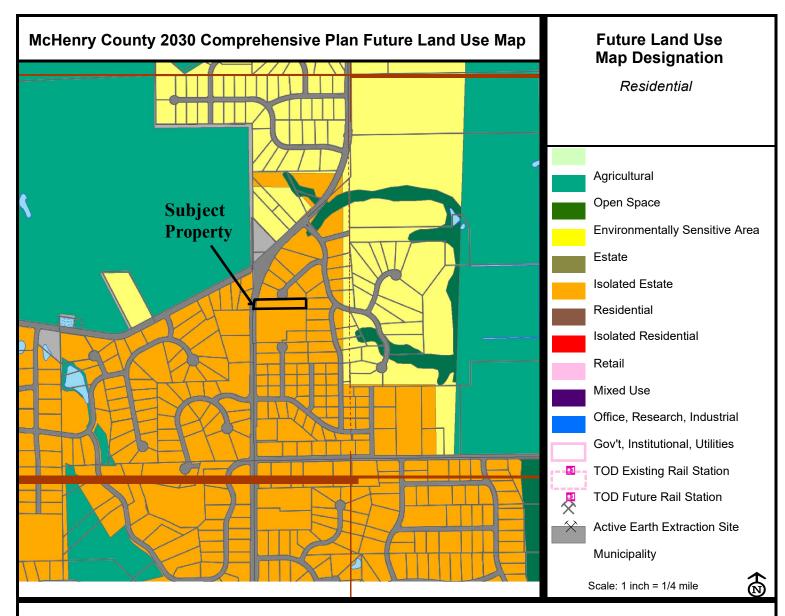
Section 16.20.020.F of the McHenry County Unified Development Ordinance

No zoning variation from the provisions of this Ordinance may be granted unless the Zoning Board of Appeals or Hearing Officer and County Board makes specific findings that the request meets each of the standards imposed by this section. These standards are as follows:

- 1. The particular surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.
- 2. The conditions upon which the application for a variation are based are unique to the property for which the variation is sought and are not generally applicable to other property within the same zoning district.
- 3. The purpose of the variation is not based exclusively upon a desire to increase the monetary gain realized from the property.
- 4. The alleged difficulty or hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property.
- 5. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- 6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
- 7. That the granting of the variation requested will not confer on the applicant any special privilege that is denied by this Ordinance to other land or structure of the same zoning district.







Municipal / Township Plan Designations

Nunda Township: Existing Development – allow infill at similar use & density as to surrounding area

Village of Bull Valley: Residential 2-2.99 Acres

<u>City of Crystal Lake</u>: Estate Residential <u>Village of Prairie Grove</u>: No Designation

McHenry County 2030 Comprehensive Plan -Text Analysis Land Use

Residential includes existing and proposed areas for single-family and multifamily residential uses at gross densities of less than one acre per dwelling unit. Within the Residential district, development densities should consider nearby land uses and zoning, and the availability of transportation, infrastructure, water supply, and other public services, environmental limitations, and other factors required by County ordinances, state statutes, and case law.

Sensitive Aquifer Recharge Areas

The site is NOT located in a zone with moderate contamination potential.



McHENRY~LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT

NATURAL RESOURCES INFORMATION REPORT 22-058-4449

November 2, 2022



This report has been prepared for: David Mey

Contact Person: William Hellyer

PREPARED BY:

McHENRY-LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT

1648 S. EASTWOOD DR. WOODSTOCK, IL 60098 PHONE: (815) 338-0444

www.mchenryswcd.org

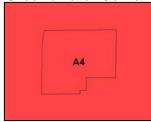
The McHenry-Lake County Soil & Water Conservation District is an equal opportunity provider and employer.

EXECUTIVE SUMMARY OF NRI REPORT #22-058-4449

It is the opinion of the McHenry-Lake County Soil and Water Conservation District Board of Directors that this report as summarized on these pages are pertinent to the requested zoning change.



Groundwater Contamination Potential and Recharge Areas:

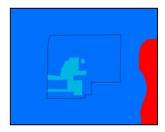


Aquifer Sensitivity Map (*This is the area beneath the soil profile down to bedrock)

The Geologic features map indicates the parcel is comprised of A4 geologic limitations. A4 has a high aquifer contamination potential.

Sensitive Aquifer Recharge Areas (Includes the soil profile and underlying geology).

The Sensitive Aquifer Recharge Map indicates the parcel is not within an area designated as Sensitive Aquifer Recharge (red areas on map).



Soil Leachability Map (This is only the soil profile within the parcel from the surface down to approx. 5 feet).

The Soil Leachability Index indicates 7.20 acres or 84.31% of the parcel has a moderate leaching potential for fertilizers (includes household use). Identified in blue.

Soil Permeability Map (This is only the soil profile within the parcel from the surface down to approx. 5 feet. Soil permeability is a reflection of the speed in which water (with or without pollutants) can move through the soil profile.)

The USDA-NRCS Soil Survey Map of the area indicates there are no highly permeable soils on the parcel that allow water to rapidly move through the soil profile.

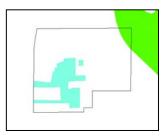
Soil Limitations (This evaluates the parcel from the surface down to approximately 5 feet.):

Basement Limitations

The NRCS Soils Survey indicates there are no sever limitations for basements due to water related or soil property limitations.

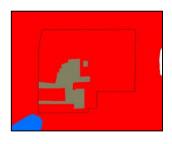
Septic Limitations

The NRCS Soils Survey indicates there are no septic limitations on the parcel.



Erosion Ratings

The NRCS Soils Survey indicates 0.19 acres or 2.28% of the parcel contains Highly Erodible Soils (identified in green). Additional, measures should be taken within these areas to ensure sediment does not leave the site. The McHenry-Lake SWCD has two staff members certified in Sediment and Erosion Control and can aid the petitioner by reviewing erosion control plans and make recommendations.



Prime Farmland Soils

The Natural Resources Conservation Service (NRCS) Soil Survey indicates 7.20 acres or 84.31% of the parcel is comprised of prime farmland soils.

Hydric Soils

The NRCS Soil Survey indicates there are no hydric soils on the parcel.

Floodplain Information:

The Flood Insurance Rate Map

Indicates there is no 100-year floodplain present on this parcel.

Flood of Record Map (Hydrologic Atlas)

The Flood of Record Map for this area indicates there has been no previous flooding on the parcel.

Wetland Information:

USDA-NRCS Wetland Inventory

The NRCS Wetlands Inventory indicates there are no wetlands on the parcel.

ADID Wetland Inventory

The ADID Wetland Study indicates there are no wetlands on the parcel.

Cultural Resources: None identified



Preserved or Recognized Ecological Sites: Office maps indicate the Land Conservancy of McHenry County's Weiler Conservation Easement is northwest of the parcel.

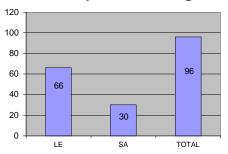
Woodlands: There are existing mature trees mainly in the western half of the parcel and along the southern and eastern boundaries.

Agricultural Areas: Office Maps indicate there are no State designated agricultural areas on the parcel in question.

Conservation Design: This parcel qualifies for Conservation Design due to the amount of High Aquifer Contamination Potential which exceeds 20% of the site and 200 ft. abutting zone.

Land Evaluation Site Assessment (LESA)

The Land Evaluation and Site Assessment system indicates this parcel's zoning request has a **low impact to existing land use and resources**.



CONCERNS OF THE MCSWCD BOARD

The McHenry-Lake County Soil & Water Conservation District Board does not have any additional concerns regarding this zoning change at this time.

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Well, just to reiterate, it's just basically pretty simple. We want to build a house for our family. We had a large family here. That's my only plan. Vicki Gartner: Okay, thank you. Okay, so as I said before, we do have only six board members here today. So if you'd like to continue to voting, we can do that. Or if you rather continue until we have seven, a full board, then we have get options as well. David Mey: I would welcome a vote. Vicki Gartner: Okay. All right. In case I will close the hearing portion of the meeting and we'll move on to the voting portion. Charles Eldredge: Madam Chairman, I move acceptance of the petition. Mary Donner: Second. Vicki Gartner: This is the hard part. Okay. Any comments? Mr. Eldredge? Charles Eldredge: No, I think this is pretty simple. This is the residential area. It creates a residential estate plot. Vicki Gartner: Oh, let me interrupt you for a second. Do you want to do this as both the-Charles Eldredge: Yes. Vicki Gartner: Zoning change and the variation together? Mary Donner: Yes, and I will second on both as well. Vicki Gartner: Okay, sorry. Go ahead.

Charles Eldredge:

It creates a two plus acre residential lot, which is entirely compatible with everything else in the general area. It breaks off the two plus acres from a eight plus acre lot, but probably was a larger parcel once upon a time, but it's now completely surrounded with residential housing. It's on a busy street; Walkup. Well they've indicated that the access is likely to be off a cul-de-sac from the neighboring subdivision. It still is off that busy street, Walkup. It is completely compatible with the neighborhood. It is compatible with the 2030 plan. It is right in the wheelhouse of zoning. For a parcel like this, the requested variance makes me slightly uncomfortable, but it's just minor. And because of that I don't object to that either. And I recommend, I will vote in favor and I will recommend that my fellow board members do as well.

Vicki Gartner:
Miss Donner?
Many Donners
Mary Donner:
I agree with Mr. Eldredge, and I will be voting in favor.
Vicki Gartner:
Okay, Mr. Kosin?
Robert Kosin:
I will support the recommendation of my colleague and be voting in favor.
Vicki Gartner:
Mr. Schnable?
Kurt Schnable:
I support it as well.
Vicki Gartner:
Mr. Jurs.
Thomas Jurs:
l agree.
Tagree.
Vicki Gartner:
Okay. And I agree as well. I remember when you came in before it was kind of a hairball and now it's
going to be all sorted out and clean and neat and you don't have to come back again.
David Mey:
Yeah. Thank you.
ream mank you.
Vicki Gartner:
Okay. So we've had the motion and the second and I'll call for the roll. Mr. Eldredge?
Charles Eldredge:

Yes.
Vicki Gartner: Mr. Kosin?
Robert Kosin:
Yes.
Vicki Gartner: Mr. Schnabel?
Kurt Schnable: Yes.
Vicki Gartner: Mr. Jurs.
Thomas Jurs: Yes.
Vicki Gartner:
Ms. Donner?
Mary Donner: Yes.
Vicki Gartner:
And I will vote yes as well. So this will go to the county board next month.
Anna Kurtzman: I think there needs to be 30 days. We just squeaked by, yes.
Vicki Gartner:
So this will go to the county board next month for final approval. We just make the recommendation here. As you know, we have no power whatsoever. So that's it. And I will adjourn the meeting. Thank you very much.
David Mey:
Thank you. Thank you very much, everybody.

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