

IN THE MATTER OF THE APPLICATION OF)
HENRI GIUGNI AND JUNE M. GIUGNI, APPLICANTS)
 FOR AN AMENDMENT OF THE UNIFIED DEVELOPMENT) # 2023-021
 ORDINANCE OF McHENRY COUNTY, ILLINOIS FOR A)
RECLASSIFICATION AND A CONDITIONAL USE)

WHEREAS, your Petitioner, **HENRI GIUGNI AND JUNE M. GIUGNI** as your Applicants and Owner, has filed a petition with the McHenry County Zoning Board of Appeals requesting reclassification of the subject property from the **“A-2” Agriculture District to “A-1” Agriculture District and the issuance of a Conditional Use Permit as it relates to the McHenry County Unified Development Ordinance.**

Said request for reclassification to affect the following real property more fully described as:

Part of Government Lots 1 and 2 of the Northeast Quarter of Section 4, Township 45 North, Range 6 East of the Third Principal Meridian, being described as follows: Commencing at the Southwest corner of said Government Lot 2 thereof, North 49 degrees 01 minute 37 seconds East along the centerline of Lincoln Road, 739.39 feet to the Place of Beginning; thence continuing North 49 degrees 01 minute 37 seconds East along said centerline, 184.42 feet; thence South 36 degrees 52 minutes 14 seconds East, 902.65 feet; thence South 53 degrees 07 minutes 46 seconds West, 513.10 feet; thence North 36 degrees 52 minutes 14 seconds West, 313.29; thence North 51 degrees 59 minutes 57 seconds East, 297.92 feet; thence North 36 degrees 49 minutes 21 seconds West, 246.55 feet; North 31 degrees 23 minutes 13 seconds West, 325.23 feet to the centerline of Lincoln Road and Place of Beginning in McHenry County, Illinois.

Part of PIN # 07-04-200-007

17519 Lincoln Road, Harvard, Illinois

And, said request for issuance of a Conditional Use Permit to affect the following real property more fully described as:

Part of Government Lots 1 and 2 of the Northeast Quarter of Section 4, Township 45 North, Range 6 East of the Third Principal Meridian, being described as follows: Commencing at the Southwest corner of said Government Lot 2; thence North 49 degrees 01 minute 37 seconds East along the centerline of Lincoln Road, 831.99 feet to the Place of Beginning; thence continuing North 49 degrees 01 minute 37 seconds East along said centerline, 46.84 feet; thence South 40 degrees 58 minutes 23 seconds East, 8.77 feet; thence Southerly 4.71 feet along a curve to the left, having a radius of 7.25 feet, the chord of which bears South 11 degrees 10 minutes 12 seconds West, for a length of 4.63 feet; thence South 07 degrees 50 minutes 39 seconds East, 9.03 feet; thence Southeasterly 12.66 feet along a curve to the left, having a radius of 16.20 feet,

the chord of which bears South 30 degrees 14 minutes 03 seconds East, for a length of 12.34 feet; thence South 50 degrees 18 minutes 10 seconds East, 12.16 feet; thence South 65 degrees 38 minutes 40 seconds East, 39.12 feet; thence South 63 degrees 53 minutes 57 seconds East 31.81 feet; thence Southeasterly 47.59 feet along a curve to the right, having a radius of 68.99 feet, the chord of which bears South 44 degrees 08 minutes 26 seconds East, for a length of 46.65 feet; thence Southerly 40.74 feet along a curve to the right, having a radius of 95.66 feet, the chord of which bears South 12 degrees 10 minutes 52 seconds East, for a length of 40.43 feet; thence Southerly 12.86 feet along a curve to the right, having a radius of 186.68 feet, the chord of which bears South 01 degree 59 minutes 37 seconds West, for a length of 12.86 feet; thence South 04 degrees 03 minutes 42 seconds West, 50.13 feet; thence South 11 degrees 45 minutes 45 seconds West, 139.90 feet; thence Southerly 42.44 feet along a curve to the left, having a radius of 50.00 feet, the chord of which bears South 12 degrees 33 minutes 15 seconds East, for a length of 41.18 feet; thence South 36 degrees 52 minutes 14 seconds East 532.09 feet; thence South 53 degrees 07 minutes 46 seconds West, 321.87 feet; thence North 36 degrees 52 minutes 14 seconds West, 313.29 feet; thence North 51 degrees 59 minutes 57 seconds East, 297.92 feet; thence North 36 degrees 49 minutes 21 seconds West, 246.55 feet; thence North 11 degrees 45 minutes 45 seconds East, 171.60 feet; thence North 17 degrees 31 minutes 46 seconds East, 50.66 feet; thence North 02 degrees 59 minutes 10 seconds East, 13.82 feet; thence Northerly 29.92 feet along a curve to the left, having a radius of 46.66 feet, the chord of which bears North 15 degrees 53 minutes 31 seconds West, for a length of 29.41 feet; thence Northwesterly 46.46 feet along a curve to the left, having a radius of 88.96 feet, the chord of which bears North 49 degrees 13 minutes 37 seconds West, for a length of 45.94 feet; thence North 64 degrees 11 minutes 24 seconds West, 23.31 feet; thence North 66 degrees 50 minutes 38 seconds West 41.95 feet; thence North 58 degrees 16 minutes 04 seconds West, 32.24 feet; thence Westerly 8.52 feet along a curve to the left, having a radius of 12.59 feet, the chord of which bears North 74 degrees 09 minutes 03 seconds West, for a length of 8.36 feet; thence South 76 degrees 36 minutes 28 seconds West, 7.69 feet; thence North 40 degrees 58 minutes 23 seconds West, 7.76 feet to the centerline of Lincoln Road and the Place of Beginning in McHenry County, Illinois

Part of PIN # 07-04-200-007

17519 Lincoln Road, Harvard, Illinois

WHEREAS, the Petition requests reclassification of the subject property from its present classification which is ***“A-2” Agriculture District to “A-1” Agriculture District with a Conditional Use Permit to allow for a Reception Facility and an Arts Studio.***

WHEREAS, the subject property subject to the reclassification request consists of approximately ***6.467 acres.***

WHEREAS, the subject property subject to the conditional use request consists of approximately ***2.673 acres.***

WHEREAS, a hearing on said petition 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 exhibits advanced thereat, the Zoning Board of Appeals of McHenry County **did recommend approval of the request to reclassify the subject property from “A-1” Agriculture District to “A-1” Agriculture District and the request for a Conditional Use Permit to allow a Reception Facility and an Arts Studio with the following six (6) conditions to the Conditional Use Permit:**

- 1. The Conditional Use shall expire ten (10) years from the date of approval by the McHenry County Board.**
- 2. The Conditional Use shall substantially conform to the Site Plan listed as Exhibit “E” stamped received May 13, 2024.**
- 3. Temporary portable restrooms must be removed within seventy-two (72) hours after each event.**
- 4. All other federal, state, and local laws shall be met.**
- 5. Venue lighting must be turned off by midnight.**
- 6. No live or amplified music after 11:00 PM.**
- 7. Events that have live or amplified music shall be limited to twelve (12) events per calendar year.**

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 and the standards for a Conditional Use Permit 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 the **reclassification of the subject property from “A-2” Agriculture District to “A-1” Agriculture District and the request for a Conditional Use Permit to allow a Reception Facility and an Arts Studio with the following six (6) conditions to the Conditional Use Permit:**

- 1. The Conditional Use shall expire ten (10) years from the date of approval by the McHenry County Board.**

2. **The Conditional Use shall substantially conform to the Site Plan listed as Exhibit “E” stamped received May 13, 2024.**
3. **Temporary portable restrooms must be removed within seventy-two (72) hours after each event.**
4. **All other federal, state, and local laws shall be met.**
5. **Venue lighting must be turned off by midnight.**
6. **No live or amplified music after 11:00 PM.**
7. **Events that have live or amplified music shall be limited to twelve (12) events per calendar year.**

If any part, sentence, clause, or provision of this ordinance is adjudged to be unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

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: _____

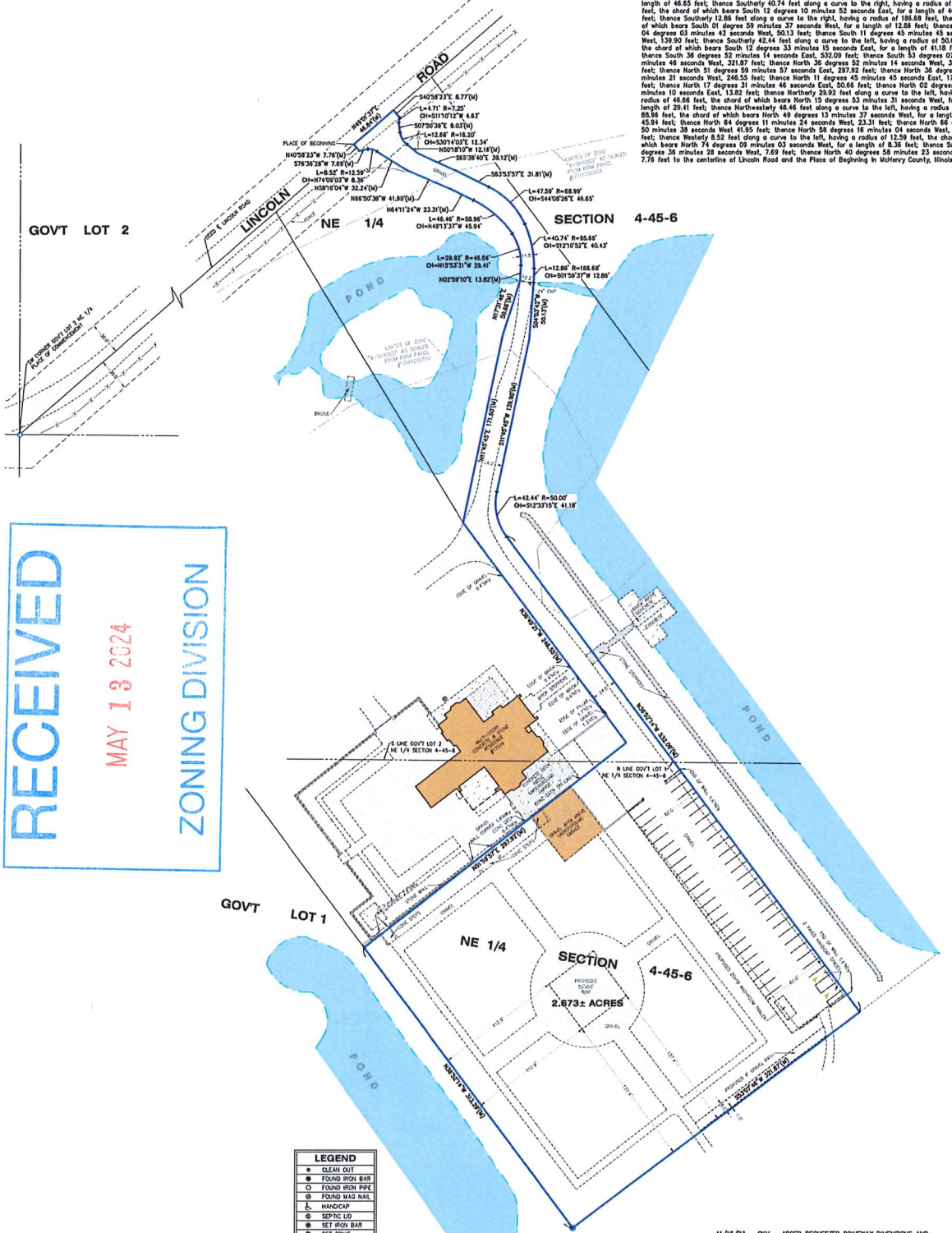
ATTACHMENT: SITE PLAN

PLAT OF SURVEY



LEGAL DESCRIPTION:

Part of Government Lots 1 and 2 of the Northeast Quarter of Section 4, Township 45 North, Range 6 East of the Third Principal Meridian, being described as follows: Commencing at the Southwest corner of said Government Lot 2; thence North 49 degrees 01 minute 37 seconds East along the centerline of Lincoln Road, 831.99 feet to the Place of Beginning; thence continuing North 49 degrees 01 minute 37 seconds East along said centerline, 48.84 feet; thence South 40 degrees 58 minutes 23 seconds East, 8.77 feet; thence Southerly 4.71 feet along a curve to the left, having a radius of 7.25 feet, the chord of which bears South 11 degrees 10 minutes 12 seconds West, for a length of 4.43 feet; thence South 07 degrees 50 minutes 39 seconds East, 9.03 feet; thence Southeasterly 12.86 feet along a curve to the left, having a radius of 18.20 feet, the chord of which bears South 30 degrees 14 minutes 03 seconds East, for a length of 12.34 feet; thence South 50 degrees 18 minutes 10 seconds East, 12.18 feet; thence South 45 degrees 38 minutes 40 seconds East, 39.12 feet; thence South 43 degrees 53 minutes 57 seconds East 31.81 feet; thence Southeasterly 47.59 feet along a curve to the right, having a radius of 68.99 feet, the chord of which bears South 44 degrees 08 minutes 28 seconds East, for a length of 46.55 feet; thence Southerly 40.74 feet along a curve to the right, having a radius of 93.66 feet, the chord of which bears South 12 degrees 10 minutes 52 seconds East, for a length of 40.43 feet; thence Southerly 13.86 feet along a curve to the right, having a radius of 188.68 feet, the chord of which bears South 01 degree 59 minutes 37 seconds West, for a length of 12.88 feet; thence South 04 degrees 03 minutes 42 seconds West, 50.13 feet; thence South 11 degrees 45 minutes 45 seconds West, 139.90 feet; thence Southerly 42.44 feet along a curve to the left, having a radius of 50.00 feet, the chord of which bears South 12 degrees 33 minutes 15 seconds East, for a length of 41.18 feet; thence South 38 degrees 52 minutes 14 seconds East, 33.09 feet; thence South 53 degrees 07 minutes 46 seconds West, 321.87 feet; thence North 36 degrees 52 minutes 14 seconds East, 313.29 feet; thence North 31 degrees 59 minutes 57 seconds East, 287.92 feet; thence North 38 degrees 49 minutes 21 seconds West, 246.55 feet; thence North 11 degrees 45 minutes 45 seconds East, 171.60 feet; thence North 17 degrees 31 minutes 48 seconds East, 50.66 feet; thence North 02 degrees 59 minutes 10 seconds East, 13.82 feet; thence Northerly 23.92 feet along a curve to the left, having a radius of 46.66 feet, the chord of which bears North 15 degrees 53 minutes 31 seconds West, for a length of 29.41 feet; thence Northeasterly 46.46 feet along a curve to the left, having a radius of 88.96 feet, the chord of which bears North 49 degrees 13 minutes 37 seconds West, for a length of 45.91 feet; thence North 84 degrees 11 minutes 24 seconds West, 23.31 feet; thence North 64 degrees 50 minutes 38 seconds West 41.95 feet; thence North 58 degrees 18 minutes 04 seconds West, 32.24 feet; thence Westerly 8.52 feet along a curve to the left, having a radius of 12.59 feet, the chord of which bears North 74 degrees 09 minutes 03 seconds West, for a length of 8.36 feet; thence South 76 degrees 36 minutes 28 seconds West, 7.89 feet; thence North 40 degrees 58 minutes 23 seconds West, 7.76 feet to the centerline of Lincoln Road and the Place of Beginning in McHenry County, Illinois.



RECEIVED
MAY 13 2024
ZONING DIVISION

LEGEND

●	CLEAN OUT
○	FOUND IRON BAR
○	FOUND IRON PIPE
○	FOUND MAG NAIL
⊠	HANDICAP
⊙	SET IRON
⊙	SET IRON BAR
⊙	SET SPIKE
⊙	WELL
(O)	DEED
(U)	MEASURE



11/16/23 - CIV - ADDED REQUESTED DRIVEWAY DIMENSIONS AND FLOOD ZONE LIMITATIONS
10/06/23 - CIV - CORRECTED JOB NUMBER & ADDED SITE PLAN INFORMATION
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 shown described, and that the plat hereon is a true representation of the said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Dated at Woodstock, McHenry County, Illinois 07/21 A.D., 2023.
Vanderstappen Land Surveying, Inc.
Design Firm No. 184-00792

By: *James J. Grunberg*
Illinois Professional Land Surveyor No. 3687

CLIENT: HENRI GRUBB
DRAWN BY: CIV CHECKED BY: IVA
SCALE: 1"=40' SEC. 04, T. 45, R. 06 E.
BASIS OF BEARING: ASSUMED
P.L.N.: 07-04-200-007
JOB NO.: 2300010-1 D. MBS
FIELDWORK COMP.: 06/20/23 BK. PG.
ALL DISTANCES SHOWN IN FEET AND DECIMAL FRACTIONS
PLOT NUMBER CORRECTED TO 2

-CORNERS NOT SET PER CLIENTS REQUEST

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

* No distance should be assumed by scale.

* 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.

MCHENRY COUNTY
ZONING BOARD OF APPEALS
MINUTES ● June 27, 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 - #2023-021

- 1. APPLICANT:** Henri and June Giugni
- 2. REQUEST:** A-2 Agriculture District to A-1 Agriculture District on 6.467 acres and Conditional Use Permit to allow a Reception Facility and Arts Studio on 2.673 acres
- 3. LOCATION AND SIZE OF PROPERTY IN QUESTION:** The subject property is located on the East side of Lincoln Road, approximately two-thirds (2/3) of a mile from the intersection of Lincoln Road and Irish Lane, in Hartland Township.
- 4. DATE AND TIME OF HEARING AND VOTING MEETING:** June 27, 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: Linnea Kooistra – Chair, Vicki Gartner – Vice Chair, Charles Eldredge, Robert Kosin, Kurt Schnable, Thomas Jurs, Mary Donner
 - B. Witness: Henri Giugni
 - C. Attorney: Jim Militello
 - D. Public: Anna Kurtzman – County Staff, Kit GearhartSchinske – County Staff, Joanne Nielsen, Linda Schwartzhoff, Rick Schwartzhoff, Tracy Schatteman, Amanda Nielsen, Sam Schatteman, Charlotte Schiller, Larry Gehant, Thomas MacDonald, Judy MacDonald, Mary L. Stasiak, Jean Reckhamp, Tom Scaletta, Shannon Rode, Babette Scaletta, Rick Miller, Debbie Ekstrom, Bruce Ekstrom, Kirk V. Wollcek, Katelyn Davis, John Stasiak, David Menge, Jack Makowski, Bobbie Fisher
- 7. ITEMS OF EVIDENCE:** Petitioner’s application, petitioner’s exhibits submitted with application, the written responses to the Approval Standards for Conditional Use Permit, the Staff Report, the

minutes of the January 3, 2024 Staff Plat Review Committee meeting, and testimony presented during the hearing for the map amendment and the conditional use permit

8. SUMMARY OF TESTIMONY AT HEARING: Ms. Kooistra opened the meeting. The board members introduced themselves. Ms. Kooistra swore in the applicants, staff, and the public.

Mr. Militello introduced himself and the application. Mr. Militello asked that the petitioner's application, petitioner's exhibits submitted with the application, the written responses to the Approval Standards for Conditional Use Permit, the Staff Report, the minutes of the January 3, 2024 Staff Plat Review Committee meeting, and testimony presented during the hearing for the map amendment and the conditional use permit be and entered as evidence. Ms. Kooistra accepted the items into evidence. Mr. Militello went through the approval standards for map amendments and for a conditional use permit. Mr. Militello addressed concerns raised in the objection letter.

Ms. Donner asked if there were objections from the township or highway department. Mr. Militello stated that there were not. Ms. Donner asked when the applicant purchased the property. Mr. Giugni answered that it was 1984 or 1985.

During his opening remarks, Mr. Militello noted that the maximum amount of time that the tent could be erected was sixty (60) days. Mr. Kosin sought clarification. Mr. Militello stated that code 15.22.010 addresses temporary structures. Staff explained that this reference is in the building code. Under this section of code, the maximum amount of time that a building permit for a temporary structure may be valid is sixty (60) days.

Mr. Kosin asked how long the privies and the water stations will be on site. Mr. Militello stated that they would be removed immediately following the events. Mr. Kosin asked if Mr. Giugni has any experience with hosting events. Mr. Giugni stated that the first wedding was last year for a housekeeper. He stated that no money had been exchanged. He stated that they had an event last weekend with forty (40) cars for one hundred twenty-six (126) people under a Temporary Use Permit. Mr. Giugni stated that he is involved as the property owner, but he will hire professionals as needed.

Mr. Eldredge inquired about the existing conditional use is on the property immediately adjacent to the subject property. Staff answered that it is for a personal cemetery for the applicant's family.

Ms. Gartner asked if the petitioner would be amenable to a condition to restrict the music to certain hours. Mr. Militello stated that they would.

Mr. Jurs asked if the reception venue business goes well, will the applicant move towards a permanent facility on the site. Mr. Militello stated that that was the intent when the application was made, but the applicant has decided not to move forward with a permanent facility. Mr. Jurs asked if the music will be inside the domed structure. Mr. Giugni stated that the music will be inside the structure and will cease at 11:00 PM.

Ms. Kooistra stated that the dome structure used to be the applicant's aviary and has been moved to the circle in the center of the CUP area and is now furnished with a dance floor and tables, for a wedding. She questioned if all events will be contained within the dome. Mr. Giugni answered that that is correct. Ms. Kooistra asked if the music will be from 8:00 PM to 11:00 PM and would not be louder than what the people inside the dome could handle. Mr. Guigni answered that that is correct.

Staff asked Mr. Giugni to list his website because he previously referenced it during his testimony. Mr. Giugni stated that the site is castlepark.biz. Staff asked for clarification on the dimensions of the dome. The site plan indicates that the tent is fifty (50) x fifty (50) feet. Mr. Giugni stated that the dome is sixty (60) feet diameter. He stated that the square foot area of a fifty (50) x fifty (50) foot tent is the same as the square foot area of the sixty (60) foot diameter dome which is two thousand five hundred (2,500) feet.

Ms. Gartner asked if there will be lights outside the tent. He stated that there are lights on a tower outside the house that face down. They light up the entire area and the parking lot. She asked if he would mind a time limit on the lights as a condition. Mr. Giugni stated that he would not mind.

Ms. Kooistra opened the floor to questions by the public.

Jack Markowski asked if the structure is a dome or a band shell and will it contain the noise. Mr. Militello showed him a picture of the structure. Mr. Giugni stated that it will not completely block the noise.

John Stasiak asked if the parking for forty-eight (48) spots specifies the type of vehicles. Mr. Militello showed him the site plan and stated that it specifies car parking.

Debbie Ekstrom asked if the permit allows more than twelve (12) events per year and can subsequent owners change their mind. She asked if the music could be extended longer than the time limit. Mr. Militello stated that any conditions placed on the CUP will have to be abided by the new owner. Mr. Militello stated that the twelve (12) events per year is what Mr. Giugni wants, but a new owner may or may not want to have more or less.

Tracy Schatteman asked what can be done to mitigate the noise because they heard it until midnight and over the seventy (70) miles per hour wind. Mr. Militello stated that the neighbor is about two thousand (2,000) feet away.

Richard Miller asked what the dome is made from. He stated that the music was loud the previous weekend. He asked what the county's noise ordinance is? Ms. Kooistra stated that the county does not have a noise ordinance and the board can put a condition on it for the noise hours. Mr. Miller asked if the applicant would do anything to minimize the road conditions that will be caused by increased traffic.

Staff gave their report. The request consists of two (2) components; the reclassification from A-2 to A-1 and superimposed on a portion of the reclassification is a request for a reception facility and an art

studio. The zoning in the area is "A-1" Agriculture with the exception of the "A-2" Agriculture area owned by the Giugni family. Surrounding land uses are predominantly agricultural or undeveloped. There are some single-family homes in the area primarily to the west. Future land use is a combination of agricultural and environmentally sensitive areas. Staff stated that the board may recommend conditions based on time limits for music, time of year, time of day for events, number of events. Enforcement of the number of events will be problematic as we cannot send staff out every weekend to inspect. The intent of the parking spaces as indicated by the site plan are designed for standard passenger vehicles. A bus would take up several spaces.

Mr. Kosin asked, if during the course of construction of the existing house, was the property cited for failing to abide by the ordinances of the county. Staff did not know that information at this time.

Mr. Eldredge asked if the liquor license would need to be applied for by the caterer for each event. Staff stated that the vendor would need to apply for the license for the event and that our Administration Department administers that program. Mr. Eldredge asked what the requirements regarding the portable toilets and washing stands are. Staff stated that the Environmental Health Department monitors portable restrooms. Mr. Eldredge asked if the outdoor lighting meets the county ordinances for commercial lighting and light pollution. Staff stated that they are unaware that the ordinances require lighting to be provided. If they choose to provide lighting, it would have to meet the code requirements. Mr. Eldredge asked if someone cared to monitor the number of events, would the county address it in the event of a violation. Staff stated that it would be addressed but it would be difficult to prove. The complainant would have to provide applicable proof to the Zoning Enforcement Officer.

Ms. Kooistra opened the meeting to public comment.

Katelyn Davis stated that she lives on Lincoln Road and commented that the property is beautiful and well kept. She stated that a wedding venue will improve the economy in Harvard because it could bring business to local restaurants, hotels, florists, photographers and the bed and breakfast on Lincoln Road. She stated that the bed and breakfast on Lincoln Road also brings traffic to the street.

David Menge commented that the area is peaceful and commented that noise travels extensively. He stated that he wants to keep the neighborhood peaceful and quiet.

Tom McDonald stated that Lincoln Road is a gravel road and a cloud of dust floats over his property every time a vehicle uses the road. He stated that he heard the music last Saturday over the storm.

Tracy Schatteman discussed approval standard number 6 which states that adequate access roads must be provided. She stated that the road is not paved and is in poor condition. She stated that the road creates a dust storm and is full of potholes. The potholes extend across the road and are unavoidable. She stated that the extra traffic will cause an undue burden on the townships as well as neighbors. Townships do not have funding to improve the roads.

Debbie Ekstrom expressed concern that any subsequent owner will be able to engage in the CUP as a full-time endeavor. She asked if a condition could be placed on the permit which would cause the CUP to expire upon sale. Ms. Kooistra stated that is not possible.

Sam Schatteman stated that the petition does not meet approval standards 3 and 4 because they will be disturbed by the use. The music will be detrimental to the quiet country living that the neighbors enjoy. Approval standard 5 will be affected as property values will be negatively affected. He stated that drunk drivers are a safety concern.

Richard Miller stated that approval standard number 2 is not compatible with the existing neighborhood. Regarding approval standard 4, the roads are not adequate. He stated that the CUP will only bolster Mr. Giugni's property value and will be a negative impact on neighboring property values. He commented that only one (1) property was required to be notified, but because of the amount of property Mr. Giugni owns maybe additional notices should have been considered. Mr. Miller asked the ZBA to please consider adding a maximum decibel level and to ban alcohol as conditions to the CUP.

Mary Stasiak stated that overall Mr. Giugni has been a wonderful neighbor. She stated that last weekend the party went on to midnight. She stated that being a good neighbor that Mr. Giugni is, maybe there is something that he can do to buffer the noise.

Mr. Militello gave his closing statement. He stated that they are trying to be good neighbors. He agrees with the conditions being proposed. He stated that they have met the approval standards for reclassification and for the conditional use permit.

Ms. Kooistra closed the testimony portion of the hearing.

9. SOIL AND WATER CONSERVATION DISTRICT REPORT:

For further information refer to report number: L23-038-4498.

10. ILLINOIS DEPARTMENT OF NATURAL RESOURCES:

The consultation was not required for this application.

11. SUMMARY OF VOTING MEETING DISCUSSION:

Chair Kooistra opened the voting meeting immediately following the hearing. She read the conditions into the record.

Ms. Gartner proposed a condition that the venue lighting be turned off by midnight. Mr. Eldredge seconded the motion. Ms. Donner stated she would like to amend the motion to state that the electrified lighting be downward as in the dark skies ordinance. No second. Request to amend the motion failed. Motion to add a condition whereby venue lighting be turned off by midnight carried (7-0).

Ms. Gartner proposed the condition that there be no live or amplified music after 11:00 pm. Mr. Eldredge seconded the motion. Motion carried (7-0).

Ms. Gartner proposed that the conditional use be limited to twelve (12) events that have live or amplified music per calendar year. Mr. Schnable seconded the motion. Motion carried (6-1).

Ms. Donner motioned to amend condition number three (3) to state that portable restrooms be removed within seventy-two (72) hours of the event. Mr. Eldredge seconded the motion. Motion carried (7-0).

Mr. Kosin proposed that the conditional use be limited to five (5) years. No second. Motion failed.

Moved by Mr. Eldredge to accept the proposed conditions. Ms. Gartner seconded the motion. Motion carried (7-0).

Mr. Eldredge moved acceptance of both the request to reclassify and the conditional use permits subject to conditions. Ms. Gartner seconded the motion.

Mr. Eldredge stated that the map amendment is in an area that is surrounded by "A-1" Agriculture. The issues raised for the conditional use has been addressed by the conditions placed on the CUP. Fifty (50) cars do not have a significant impact on the roads. He noted that music carries. It is not a densely populated area. It was noted that only one (1) property owner was close enough requiring notification. That is evidence of how sparsely populated the area is. The conditions placed on the property balance the rights of the property owner with the rights of the neighbors. The exclusion of the dwelling from the CUP makes it virtually impossible for a subsequent owner to expand the CUP without coming back to the Board.

Ms. Gartner stated that this use is small in comparison to agritourism, etc. The standards have been met.

Mr. Kosin stated that it is not the board's venue to address litter, noise, etc.

Ms. Kooistra stated that the standards have been met. The conditions address the concerns while weighing the needs of the property owner as well. Motion carried (7-0).

12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:

- The standards for map amendment have been met.
- The surrounding zoning is "A-1" Agricultural District.
- The surrounding land use is agricultural.
- The standards for conditional use have been met.
- Conditions have been placed upon the CUP to address the concerns raised by the public.

13. FACTS THAT SUPPORT RECOMMENDING DENIAL OF THE REQUEST:

- An objection letter was received.

14. MOTIONS:

Ms. Gartner proposed the condition that the venue lighting be turned off at midnight. Mr. Eldredge seconded the motion. Ms. Donner stated she would like to amend the motion to state that the electrified lighting be downward as in the dark skies ordinance. No second. Request to amend the motion failed. Motion to add a condition whereby venue lighting be turned off by midnight carried (7-0).

Ms. Gartner proposed the condition that there be no live or amplified music after 11:00 pm. Mr. Eldredge seconded the motion. Motion carried (7-0).

Ms. Gartner proposed that the conditional use be limited to twelve (12) events that have live or amplified music per calendar year. Mr. Schnable seconded the motion. Motion carried (6-1).

Ms. Donner motioned to amend condition number three to state that portable restrooms be removed within seventy-two (72) hours of the event. Mr. Eldredge seconded the motion. Motion carried (7-0).

Mr. Kosin proposed that the conditional use be limited to five (5) years. No second. Motion failed.

Moved by Mr. Eldredge to accept the proposed conditions. Ms. Gartner seconded the motion. Motion carried (7-0).

Mr. Eldredge moved acceptance of both the request to reclassify and the conditional use permits subject to conditions. Ms. Gartner seconded the motion. Motion carried (7-0).

15. VOTE:

7 – AYES; 0 – NAYS; 0 – ABSTAIN

GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR Approval of the requested Reclassification from A-2 Agriculture to A-1 Agriculture and Approval of the Conditional Use Permit for a Reception Facility and Arts Studio subject to the following conditions:

1. The Conditional Use shall expire ten (10) years from the date of approval by the McHenry County Board.
2. The Conditional Use shall substantially conform to the Site Plan listed as Exhibit "E" stamped received May 13, 2024.
3. Temporary portable restrooms must be removed within seventy-two (72) hours after each event.

4. All other federal, state, and local laws shall be met.
5. Venue lighting must be turned off by midnight.
6. No live or amplified music after 11:00 PM.
7. Events that have live or amplified music shall be limited to twelve (12) events per calendar year.

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

Vicki Gartner:

No.

Linnea Kooistra:

At this time we will close the hearing portion of the meeting and we'll move along to the voting portion of the meeting. Again, this is for application 2023-021, requests for A2 to A1 agriculture on 6.467 acres and a conditional use permit to allow a reception facility and art studio on 2.673 acres. We have some proposed conditions by staff. I'll read those.

The conditional use shall expire 10 years from the date of approval by the McHenry County Board. Number two, the conditional use shall substantially conform to the site plan listed as exhibit E, stamped "Received May 13th, 2024." Number three, temporary portable restrooms must be removed after each event. Number four, all other federal, State and local laws shall be met. Are there any other proposed conditions?

Vicki Gartner:

I do have one.

Linnea Kooistra:

Okay. Ms. Gartner.

Vicki Gartner:

I would propose a condition regarding lighting to be turned off at midnight.

Charles Eldredge:

I'll second that.

Linnea Kooistra:

So the condition is that lighting is turned off at midnight. Any discussion?

Kurt Schnable:

Which lighting?

Vicki Gartner:

The venue lighting.

Kurt Schnable:

Then say venue lighting. Because if he's got front garage door lights on or something, you don't want the cops to complain.

Linnea Kooistra:

Okay, I'll amend that to venue lighting. You're okay with that, Charles?

Charles Eldredge:

I'm okay with that.

Linnea Kooistra:

Okay. I'll call for the vote.

Anna Kurtzman:

[inaudible 02:20:06] discussion.

Linnea Kooistra:

Anymore discussions?

Mary Donner:

Yes.

Linnea Kooistra:

Okay.

Mary Donner:

I've seen some pictures recently of the venue and I would like to amend the lighting be downward lighting if it's electrified, as is part of our dark skies ordinances, that I'll talk about that, like you have in a parking lot, that it's set downward so you're not lighting like sodium paper lights would light up the whole place. It's not Las Vegas.

Linnea Kooistra:

Is there a second for the amendment? Failing a second for amendment this draft. So I'll call for the vote on this condition that venue lighting is turned off at midnight. Mr. Eldredge?

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Gartner?

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

Yes.

Linnea Kooistra:

Mr. Schnable?

Kurt Schnable:

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Yes.

Thomas Jurs:

Mr. Jurs?

Yes.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

Yes.

Linnea Kooistra:

And I'll vote yes. So this condition is accepted seven to zero. Any other proposed conditions, Ms. Gartner?

Vicki Gartner:

Yes, I would propose that the sound for the venue, music, microphones, whatever, be turned off at 11:00 PM.

Charles Eldredge:

Might I suggest that it say that there be no live or amplified music after 11:00 PM?

Vicki Gartner:

Yes.

Charles Eldredge:

And I will second that.

Linnea Kooistra:

So the condition is no live or amplified music after 11:00 PM. Discussion? No discussion.

Kurt Schnable:

Speaks for itself.

Vicki Gartner:

Yeah.

Linnea Kooistra:

Okay. I'll call for the vote. Mr. Eldredge?

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Gartner?

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

Yes.

Linnea Kooistra:

Mr. Schnable?

Kurt Schnable:

Yes.

Linnea Kooistra:

Mr. Jurs.

Thomas Jurs:

Yes.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

Yes.

Linnea Kooistra:

And I'll vote yes. So that condition is approved seven to zero. Any other proposed conditions?

Vicki Gartner:

I have one more.

Linnea Kooistra:

Okay.

Vicki Gartner:

I would propose that the venue be limited to 12 events per year.

Kurt Schnable:

Could we have discussion more?

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Linnea Kooistra:

That the conditional use permit be limited to 12 events?

Vicki Gartner:

Yes.

Charles Eldredge:

I would propose an amendment to that.

Linnea Kooistra:

Go right ahead.

Charles Eldredge:

Which is, it'd be limited to 12 between the 20th of May and the 30th of September.

Vicki Gartner:

I don't see the need for that. I think 12 per year covers it

Charles Eldredge:

OK

Vicki Gartner:

depending on where they are. If there's 12 per year during a three-month period they will be more frequent.

Linnea Kooistra:

Well, let's see if you have a second now to limit it to.

Henri Giugni:

What about the yoga classes?

Linnea Kooistra:

You can't talk right now.

Henri Giugni:

Okay.

Linnea Kooistra:

Sorry. This is just the board. So the conditional used permit limited to 12 events.

Charles Eldredge:

Yes.

Vicki Gartner:

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You have to amend it because of the yoga thing. I mean, that can be anytime. So this would be 12, what would we call those, party events?

Kurt Schnable:

Party events.

Anna Kurtzman:

Reception facility events.

Vicki Gartner:

Reception facility events.

Charles Eldredge:

Yes.

Kurt Schnable:

Yes.

Vicki Gartner:

Thank you.

Charles Eldredge:

We shouldn't limit yoga classes.

Vicki Gartner:

No.

Charles Eldredge:

No, we do not limit yoga classes.

Linnea Kooistra:

Thank you. As a yogi, I appreciate that.

Vicki Gartner:

And I'm standing by a 12 per year.

Linnea Kooistra:

Okay. So conditional use permit is limited to 12 wedding facility events per year.

Charles Eldredge:

Okay.

Anna Kurtzman:

I would not say wedding.

Charles Eldredge:

Reception.

Linnea Kooistra:

Reception.

Thank you. I meant reception. All right. All right. Discussion on that?

Vicki Gartner:

As I said-

Linnea Kooistra:

Have you seconded that?

Charles Eldredge:

No, I think-

Linnea Kooistra:

Kurt seconded that?

Charles Eldredge:

I think-

Kurt Schnable:

I'll call second on that.

Linnea Kooistra:

Okay. All right. Any discussion on that?

Henri Giugni:

What is the amount of people? What if I have people they want to do barbecue? Is that an event? So when you say 12, 12 would be 12 weddings with live music, but what if I have a gathering of 20 people, 50 people they want to use the dome for barbecue or something, then what?

Charles Eldredge:

You're limited to that, but there's going to be no enforcement unless your neighbors complain.

Linnea Kooistra:

So you should invite your neighbors.

Henri Giugni:

I shouldn't?

Linnea Kooistra:

Should.

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Thomas Jurs:

And the zoning board.

Linnea Kooistra:

Yeah. All right. My point is, do you want to say 12 events with live or amplified music?

Vicki Gartner:

Yes.

Charles Eldredge:

I like that.

Vicki Gartner:

That's exactly what I wanted to say.

Charles Eldredge:

Yes.

Linnea Kooistra:

All right. So the conditional use permit is limited to 12 events with live or amplified music, 12 per year. All right. Any more discussion on that? Everyone understand what we're voting on?

Charles Eldredge:

Yes.

Anna Kurtzman:

Just make sure I got that correctly. So we are removing the phrase reception facilities and limit to 12 events per year that had amplified or live music.

Linnea Kooistra:

Yes.

Anna Kurtzman:

Thank you.

Linnea Kooistra:

Okay, I'll call for the vote. Mr. Eldredge.

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Gartner.

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin.

Robert Kosin:

Yes.

Linnea Kooistra:

Mr. Schnable.

Kurt Schnable:

Yes.

Linnea Kooistra:

Mr. Jurs..

Thomas Jurs:

Yes.

Linnea Kooistra:

Ms. Donner.

Mary Donner:

No.

Linnea Kooistra:

And I'll vote yes. So that's approved six to one. And then was there a proposed condition per calendar?
Are you going to propose it Charlie?

Charles Eldredge:

No.

Linnea Kooistra:

Okay. All right. Any other proposed conditions?

Charles Eldredge:

I move acceptance of... You got one?

Mary Donner:

I've got one I would like. Number three, temporary portable restrooms must be removed after each event, and I would like to say within 72 hours, which is three days. So even if it's on Friday, by Monday they can still have somebody come out and pick them up.

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Charles Eldredge:

I'll second that.

Linnea Kooistra:

Any more discussion?

Thomas Jurs:

It's an awfully restrictive time period if you're dealing with a third party vendor.

Mary Donner:

You can plan that before you ever start, before you ever have the event done. If they can't come in between those three days, there are plenty of people who can do it.

Henri Giugni:

No problem.

Mary Donner:

Thank you.

Linnea Kooistra:

Any other discussion? Okay. It's an amendment to number three, which will be temporary portable restrooms must be removed within 72 hours after each event. I'll call for the vote. Mr. Eldredge?

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Gartner.

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin.

Robert Kosin:

Yes.

Linnea Kooistra:

Mr. Schnable.

Kurt Schnable:

Yes.

Linnea Kooistra:

Mr. Jurs.

Thomas Jurs:

Yes.

Linnea Kooistra:

Ms. Donner.

Mary Donner:

Yes.

Linnea Kooistra:

And I'll vote yes. So that's amended seven to zero. Any other proposed conditions?

Robert Kosin:

I have one. Yes. The conditional use duration under the county ordinance is 10 years. The county board can create a shorter duration specifically by the language of the ordinance for its expiration. And I would propose five years as a recommendation for their consideration. It goes to the issue of this being called a temporary event.

Linnea Kooistra:

Okay. Is there a second? Being no second, that condition is dropped.

Robert Kosin:

Understood. Thank you.

Linnea Kooistra:

Okay. Any other proposed conditions?

Charles Eldredge:

I move acceptance the conditions as amended.

Linnea Kooistra:

Okay. It's been moved by Mr. Eldredge to accept the proposed conditions. Is there a second?

Vicki Gartner:

I'll second.

Linnea Kooistra:

It's been moved by Mr. Eldredge, seconded by Ms. Gartner. Any discussion? And I'll call for the vote. Mr. Eldredge?

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Gartner.

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin.

Robert Kosin:

Yes.

Linnea Kooistra:

Mr. Schnable.

Kurt Schnable:

Yes.

Linnea Kooistra:

Mr. Jurs.

Thomas Jurs:

Yes.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

Yes.

Linnea Kooistra:

And I'll vote yes. So the conditions are approved seven to zero. At this time, I would entertain a motion for We have two requests.

Charles Eldredge:

Yes. I move with acceptance of both parts of the petition and subject and the conditional use portion subject to the conditions.

Linnea Kooistra:

Is there a second?

Vicki Gartner:

I'll second.

Linnea Kooistra:

It's been moved by Mr. Eldredge and second by Ms. Gartner to approve this request. Discussion. Mr. Eldredge?

Charles Eldredge:

Yes. As to the A-II to A-I, as far as I'm concerned, that's a no brainer, it's down zone. It is in an area that is surrounded by A-I. Everything within miles of there that isn't A-I is more densely zoned. I see the reason he's doing it is because the conditional use is not possible within A-II. But any time you can down zone a property and the petitioner wants to do that, I'm all in favor of it.

With regard to the conditional use, I think some issues were raised, but I believe that we have addressed the real concerns. 50 cars coming and going in the course of the day simply is not significant on any road. The roads at the tail end of the county have several hundred cars a day going in both directions, and most of the roads in the county have a good deal more than that.

I sympathize with people who are on gravel roads or who have to drive down gravel roads. I've done a fair amount of that myself, although less and less over the 70 years or so I've been driving. But I do not see a traffic issue. I also do not feel that this petitioner or any of the people in this room have any impact one way or the other on whether people are driving impaired. And I simply think that that is a red herring in this or any petition absent evidence that the petitioner is engaged in improperly serving alcoholic beverages, which certainly was not testified to in any way today.

With regard to noise, noise is always a problem and sometimes music carries more than others. In some areas it seems to carry more than others. However, this really is not a densely populated area. It was noted that there was only one property owner that was close enough to the subject property to need to be notified, which is evidence of just how sparsely populated this area is. Most of it is either a conservation area or farmland with just a few scattered homes within a mile or two.

I believe that our condition limiting the number of times amplified or live music can be used and eliminating the hours that can be used addresses that adequately. We have to balance the rights of the petitioner who owns his property versus the rights of the other folks in the area. I think also limiting the number of events is important in reducing its impact on others. And frankly, I think from what everyone has said, this petitioner is a good neighbor, has been and undoubtedly will continue to be. That the real risk is a subsequent owner of the property. And I think limiting it to 12 times a year sufficiently protects that issue.

And a concern was raised that because of the unique nature of this entire property, that a subsequent user might make it into a much grander venue than exists presently. The exclusion of the extraordinary dwelling really makes that impossible without coming back before this board in the case of subsequent owner wanting to do that. So I don't see that as a risk without further hearings and further consideration, I believe that all the standards have been met for both a map amendment and for conditional use and I will support the petition.

Linnea Kooistra:

Ms. Gartner.

Vicki Gartner:

I think that this is actually a fairly passive use on this property. I mean, this is not a major agritourism site like a Richardson's or All Seasons Apple farm or anything where you have a lot of people coming and going and possibly throwing the trash out the windows. This is pretty passive compared to that. It's not

like a mega church or a solar farm. It's a piece of property that will be shown off to the best of its beauty. I think that the standards have been met, as Charlie said.

As far as the problems with the neighbors, the noise, I think that that can be helped. Working with the petitioner, the petitioner working with the neighbors, we can keep the volume at a point where it's not going to drive people crazy. If there's only 12 events a year, that's not that often that is going to really bother people that much.

I do believe this is... Oh, and there's the lighting. You can work with the staff on the lighting to make sure that that's not a problem. I do think you should have that barbecue and have all your neighbors over.

Charles Eldredge:

And zoning board.

Vicki Gartner:

And zoning board. And I am...

Linnea Kooistra:

Mr. Kosin.

Robert Kosin:

Thank you Madam Chairwoman. I may be one of the only members whose township has two existing castles within its area and have the privilege of sitting here not having to address the zoning for either. That also then provides me with a surprise that I would be confronted with an issue of such a land use because I'm also one of the few people who while considering to visit to the Bilthorn Asheville Bowman Counties North Carolina wondered how the land use and the zoning was being applied to that building.

Saying all that, the problem is that the use that is before us does not clearly fulfill the tools that we are given under the ordinance. The zoning board repeals, as I have found, in short term versus those other on the board is often asked to either be the edge of the spear or be the shield. And the best we can do is to lay out the standards and follow the guidelines, which means the difficulty of not being able to address as it is not our venue to address such issues as the inadequacy of infrastructure, the application of the State liquor ordinance, litter or even the ability of addressing noise, who in a past life I had to contend with that from a stadium far removed from corporate boundaries.

Nonetheless, seeing how the conduct of this applicant has been to construct what he has been able to build for such a long time under governmental watch gives me no pause in supporting this conditional use.

Linnea Kooistra:

Mr. Schnable.

Kurt Schnable:

I agree with everything that's been said.

Linnea Kooistra:

Mr. Jurs.

Thomas Jurs:

I agree with my colleagues wholeheartedly.

Linnea Kooistra:

Ms. Donner.

Mary Donner:

I'm finally the last one, I agree.

Linnea Kooistra:

And I agree. I believe the standards have been met and I think the conditions that we've put on this have addressed concerns while weighing, as Mr. Eldredge said, weighing the needs of the property owner as well as the surrounding community. So I'm in favor of the request. So I'll call for the vote. Mr. Eldredge?

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Gartner.

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin.

Robert Kosin:

Yes.

Linnea Kooistra:

Mr. Schnable.

Kurt Schnable:

Yes.

Linnea Kooistra:

Mr. Jurs.

Thomas Jurs:

Yes.

Linnea Kooistra:

Ms. Donner.

Mary Donner:

Yes.

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Linnea Kooistra:

And I'll vote yes. So this will go to the county board with a seven to zero vote for approval. At this time. The hearing's closed.

PART 5 OF 5 ENDS [02:38:43]

Staff Report for the McHenry County Zoning Board of Appeals

Application: #2023-021

PIN: Part of 07-04-200-007

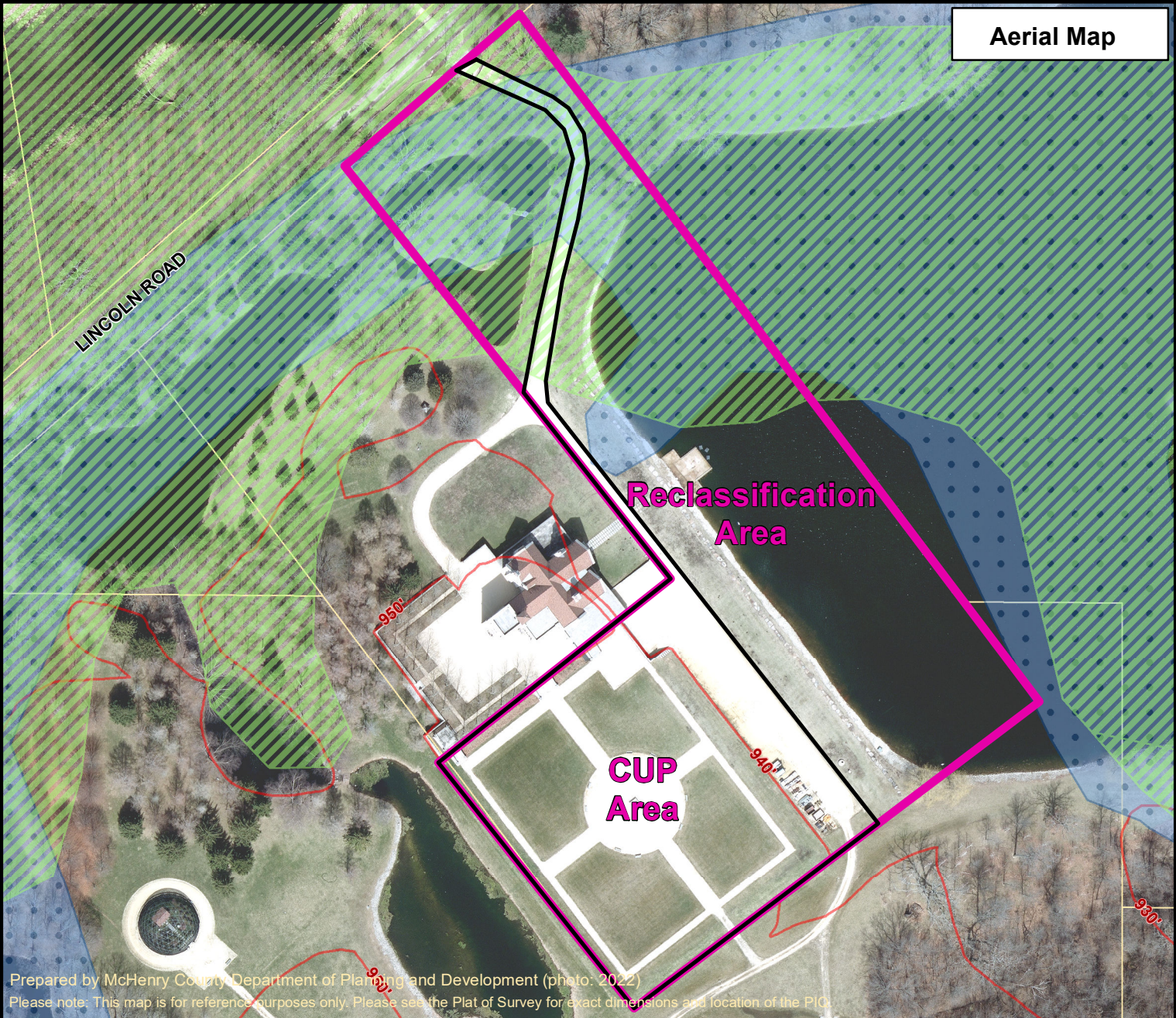
Address: 17519 Lincoln Road, Harvard

Applicant: Henri and June Giugni

Request: A-2 Agriculture District to A-1 Agriculture District on 6.467 acres and Conditional Use Permit to allow a Reception Facility and Arts Studio on 2.673 acres

Hearing: June 27, 2024

Location: The subject property is located on the East side of Lincoln Road, approximately two-thirds (2/3) of a mile from the intersection of Lincoln Road and Irish Lane, in Hartland Township.



Elevation

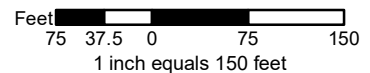
- (feet above sea level)
- 10-foot contours
 - 2-foot contours

ADID Wetland Map 2005

- High Functional Value Wetland (hfw)
- 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 reclassification from A-2 Agriculture District to A-1 Agriculture District and a Conditional Use Permit to allow for a Reception Facility and an Arts Studio. The tract subject to the reclassification consists of just under six and a half (6.5) acres (depicted in pink on the aerial photograph). The proposed Conditional Use Permit area consists of approximately two point seven (2.7) acres and is outlined on the aerial photograph in black.

Four (4) plats of survey have been provided with the application. Exhibit "B" depicts the overall parcel. Exhibit "C" shows the reclassification area. Exhibit "E" reflects the Conditional Use Permit Area. And, the applicant is, through Exhibit "D," showing how the new A-1 area will be combined with other parcels to create a forty-nine (49) acre zoning parcel.

The plats of survey associated with the reclassification/CUP areas (Exhibits "C" and "E") depict a gravel driveway which terminates into a gravel parking area, gravel walking paths, a stone path along the edge of the lake and a concrete dock extending onto the lake (the stone path and dock are not within the Conditional Use Permit Area).

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 Conditional Use Permit, listed in County Code Section 16.20.040.E of the McHenry County Unified Development Ordinance (UDO).

STAFF ANALYSIS

Current Land Use & Zoning

All properties which are adjacent to the subject property are zoned A-1 Agriculture and A-2 Agriculture. Properties, other than land owned by the applicant, which are adjacent to the property in question, are either undeveloped or used for agricultural purposes.

2030 Comprehensive Plan Future Land Use Map

The 2030 Comprehensive Plan Future Land Use Map designates this property, and the properties to the surrounding properties, as Agricultural and/or Environmentally Sensitive Area.

2030 Comprehensive Plan & 2030 and Beyond Analysis

The proposed use of the property is consistent with the 2030 Comprehensive Plan and 2030 and Beyond due to the facts that there are minimal impacts to the agricultural, natural, and water resources on the site and that it furthers the economic policies of the plans. *(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 preserving our groundwater aquifers, lakes, rivers, streams, and their natural functions." (p.11)

- The northern portion of the property is within the Sensitive Aquifer Recharge Area, outside of the area where the reception facility/art studio is proposed to be located.

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 would maintain open spaces and the potential for agricultural uses. The proposed CUPs could allow for recreational opportunities while still maintaining the open spaces of the area.

Big Idea #3 Let's grow smarter

"We can make it happen by supporting business development and commercial uses to reduce the property tax burden on residential homeowners." (p. 17)

- The conditional use permit for the operation of a reception facility and art studio would allow for commercial uses which could potentially help reduce the property tax burden on residential properties.

Big Idea #4 Let's expand our economy

"We can make it happen by facilitating new business and the expansion of existing businesses." (p. 21)

- The Conditional Use Permit would allow the proposed business uses to be legally established on the subject property.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

No applicable text.

Agricultural Resources

"To preserve the most productive farmland as a source for viable agricultural activities that will enhance the County's economy and contribute to its rural character." (p. 29)

- There are no agricultural activities currently occurring on the subject property. The proposed CUPs will not adversely affect the potential of using the property for agricultural purposes in the future.

Greenways, Open Space & Natural Resources

"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's Natural Resources Inventory letter has been received. They determined that there are high quality wetlands, hydric soils and floodplains on the subject property. However, they determined that any proposed development will have minimal impacts on these areas. Please refer to NRI L23-038-4498 for more information.

Water Resources

"...land use and development should be carefully examined and regulated within sensitive groundwater recharge areas to ensure that the water quality, quantity, and natural recharge functions of the area are safely maintained." (p.67)

- The northern portion of the property is located within the Sensitive Aquifer Recharge Area (SARA). Other than the existing driveway, the proposed CUP area is outside of the SARA area.

Economic Development

Objective: "Increase the commercial/industrial tax base to be at least 35% of the countywide total tax base." (p. 87)

- Granting the Conditional Use Permit could potentially help increase the commercial/industrial tax base for the County.

Infrastructure

No applicable text.

STAFF ASSESSMENT

The requested Conditional Use Permit is not in conflict with the McHenry County 2030 Future Land Use map, which designates this area as developing with Agricultural uses. The proposed use furthers the economic policies of the 2030 Comprehensive Plan, as well as it's companion document, 2030 and Beyond.

Regarding the Conditional Use Permit, staff offers the following conditions for consideration:

1. The Conditional Use shall expire ten (10) years from the date of approval by the McHenry County Board.
2. The Conditional Use shall substantially conform to the Site Plan listed as Exhibit "E" stamped received May 13, 2024.
3. Temporary portable restrooms must be removed after each event.
4. All other federal, state, and local laws shall be met.

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.

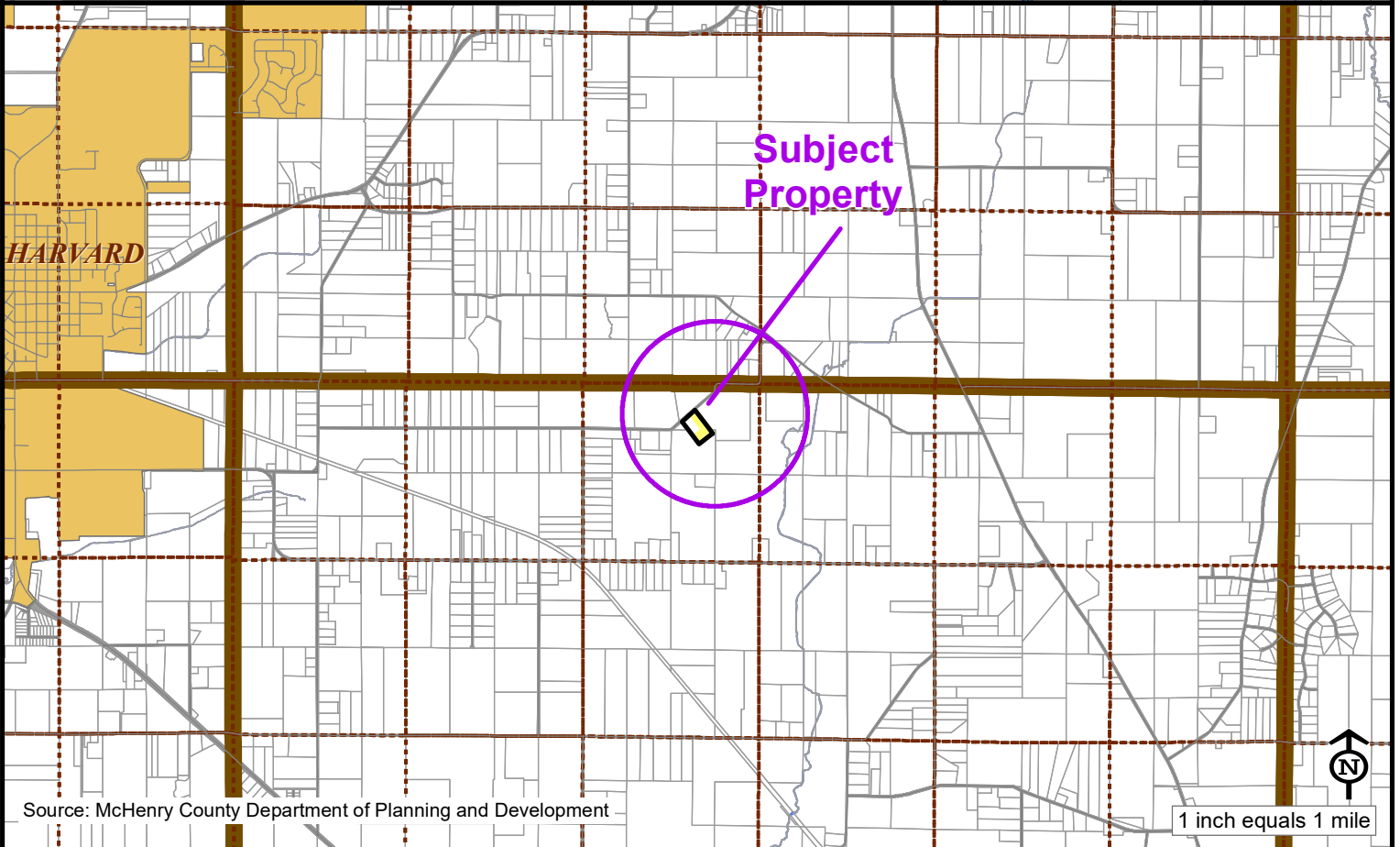
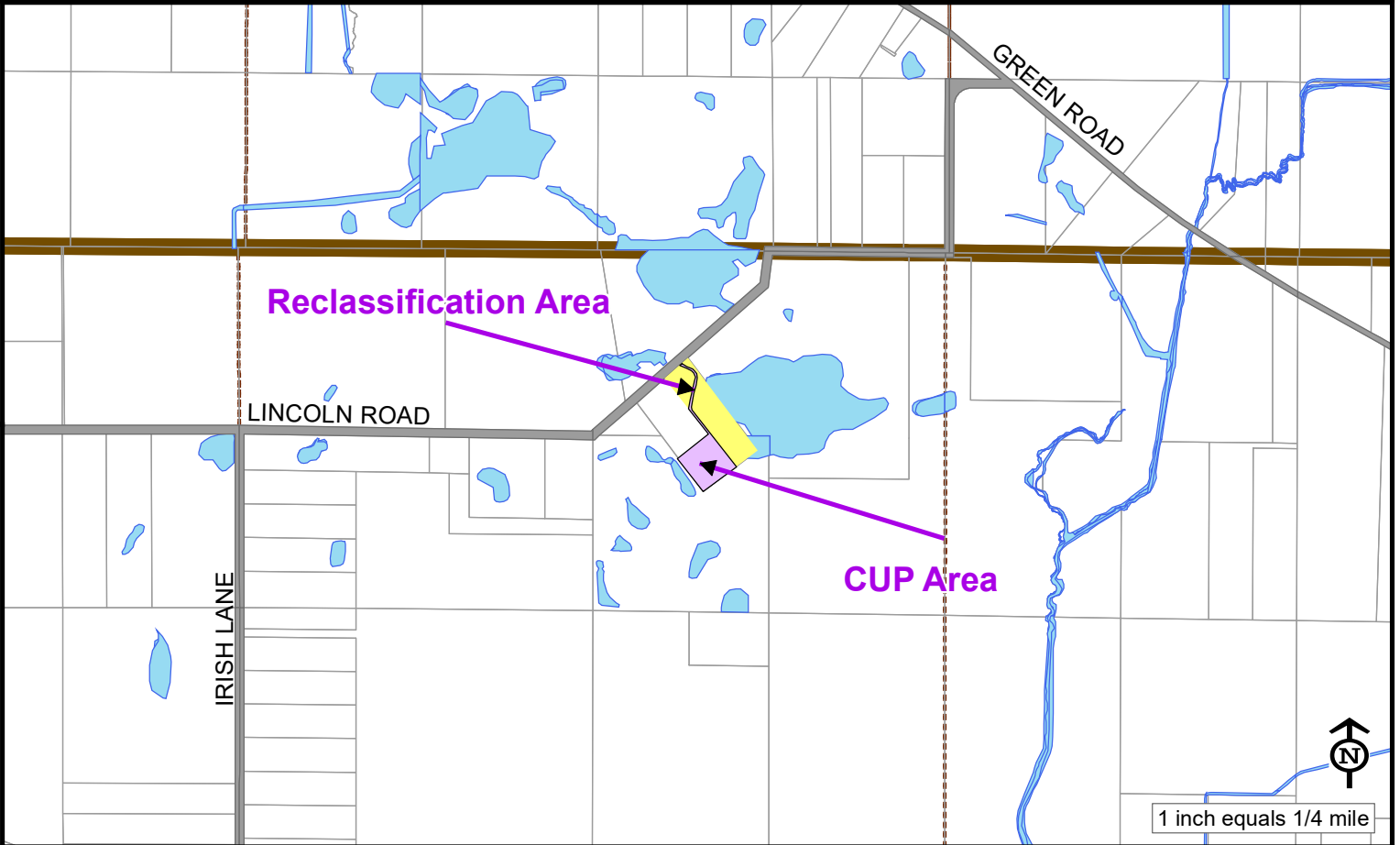
1. *Approval Standards for Map Amendments.*

- 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.

McHenry County Unified Development Ordinance Section 16.20.040.E

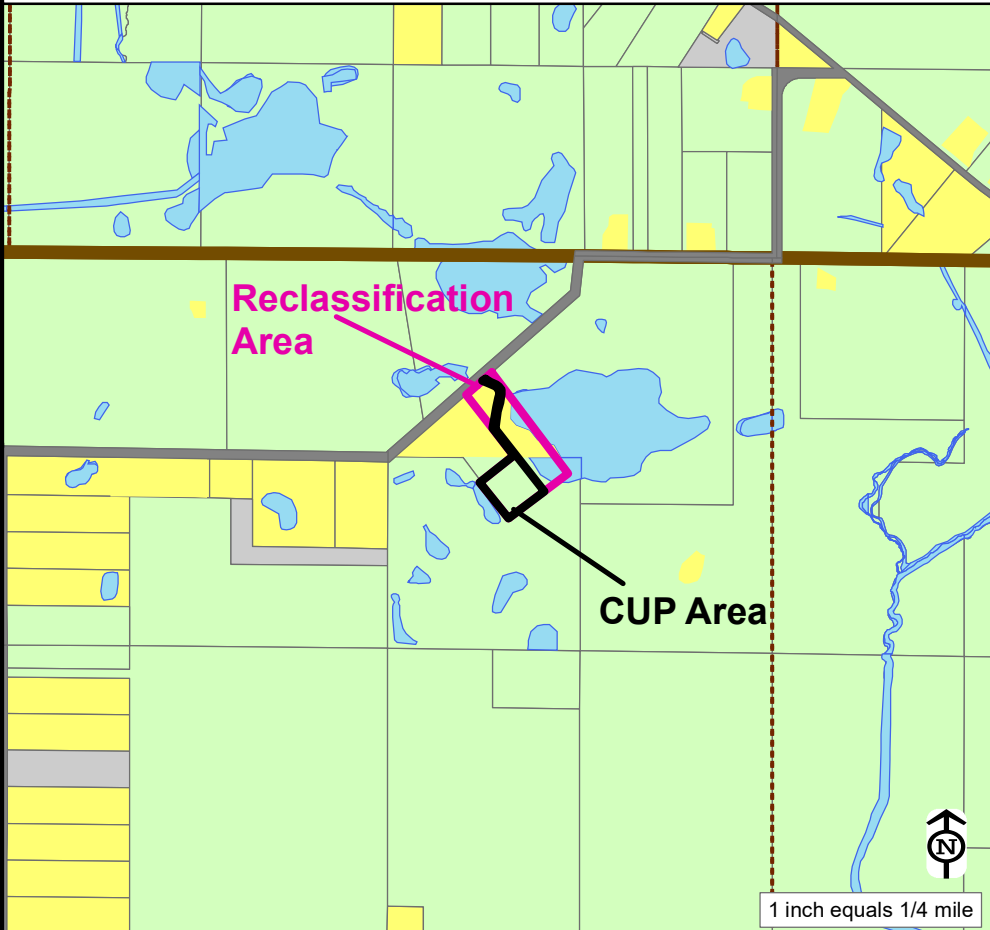
- E. *Approval Standards for Conditional Use Permits.* No conditional use permit may be granted unless the Zoning Board of Appeals and County Board makes specific written findings that the request meets each of the standards imposed by this section. These standards are as follows:
1. That the petitioner has demonstrated the ability to meet any applicable standards contained in [Chapters 16.56](#) (Use Standards) and [16.60](#) (Site Development Standards).
 2. That the site shall be so situated that the proposed use is compatible with the existing or planned future development of the area.
 3. That the establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.
 4. That the conditional use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
 5. That the conditional use shall not substantially diminish and impair property value within the neighborhood.
 6. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
 7. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard on public streets.
 8. That the conditional use shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located.
 9. That the conditional use is reasonably in the interest of the public welfare.
 10. That adequate measures will be taken to provide protection to groundwater recharge and groundwater quality.

Report prepared June 11, 2024 by Anna Kurtzman, Sr. Planner – McHenry County Department of Planning & Development



Source: McHenry County Department of Planning and Development

Current Land Use Map

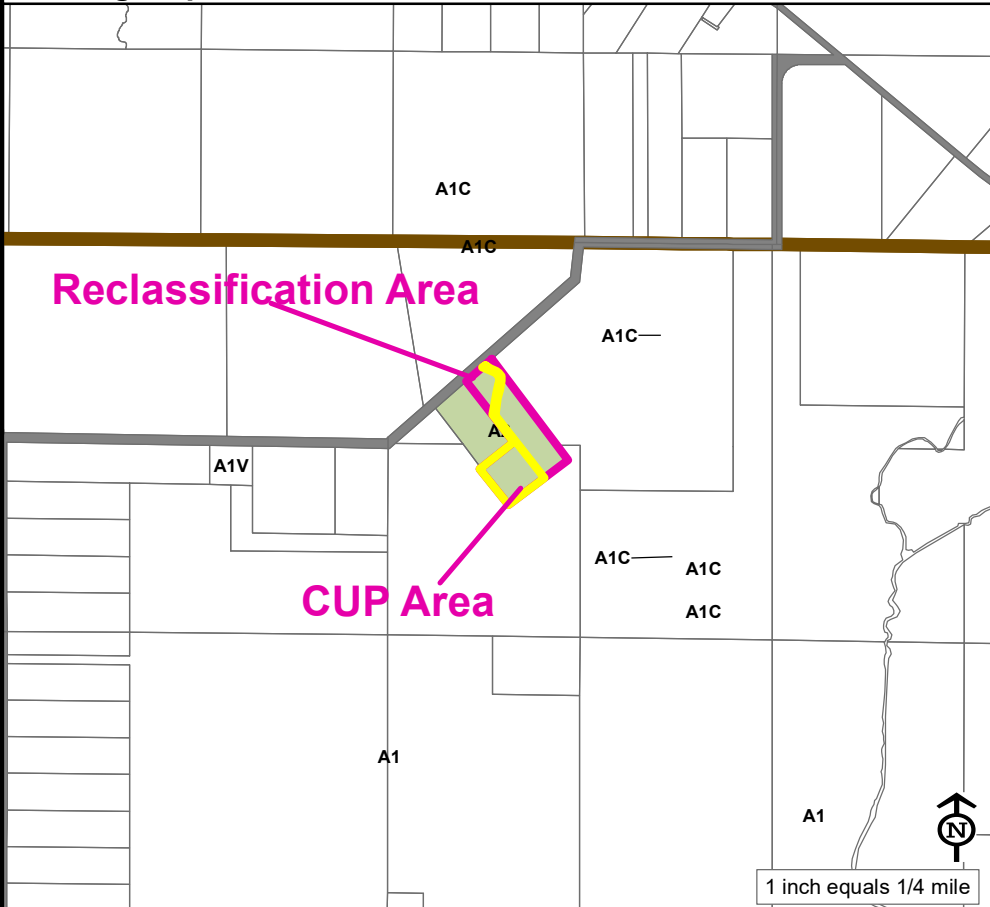


Current Land Use
 Agriculture and Single-Family Residential

Adjacent Land Use(s)
 North: Agriculture & Single-Family Residential
 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

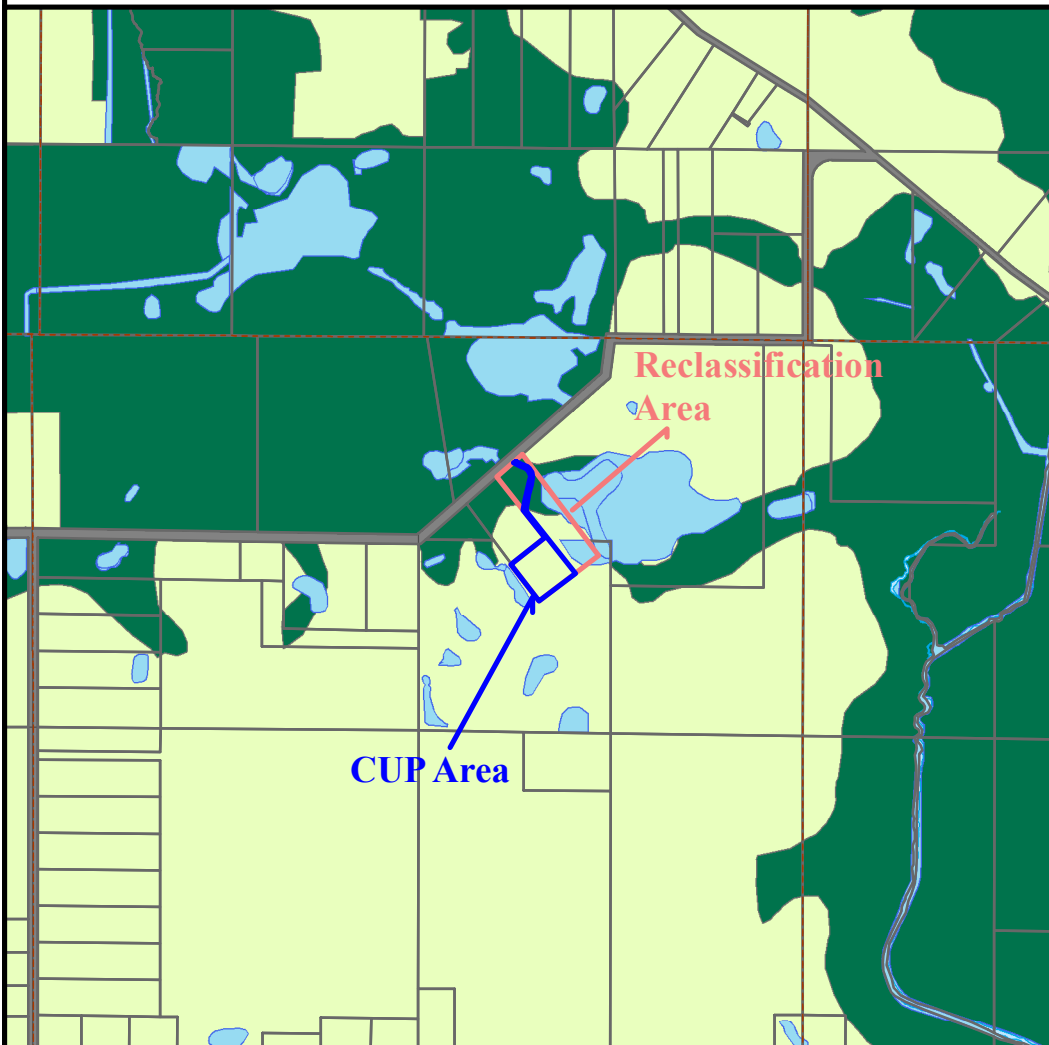


Current Zoning
 A-2 Agriculture

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 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 and 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 = 1/4 mile



Municipal / Township Plan Designations

Hartland Township: Single-Family Residential and Agriculture

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

April 11, 2023

Jim Militello
Prime Law Group, LLC
747 S. Eastwood Drive
Woodstock, IL 60098

Re: Parcel # 07-04-200-007
Common Location: 17519 Lincoln Road, Harvard, IL 60033
NRI# L23-038-4498
Zoning Change: A2 to A1 CUP

Dear Mr. Militello:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for a Natural Resource Information Report on the Henri and June Ciugni property as applied for in Report #L23-038-4498. Due to minimal new proposed 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 multiple areas of the parcel and a Wetland in the southwest area of the parcel (see attached ADID Wetland Locations Map). The Natural Resource Conservation Service inventory indicates the presence of Farmed Wetland Pasture in multiple areas of the parcel and Non-inventoried Hydric Soil Wetlands in the southwest area 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 a 0.2 Percent Annual Chance Floodplain in multiple locations of the parcel (see attached FEMA 100 yr. Floodplain 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.

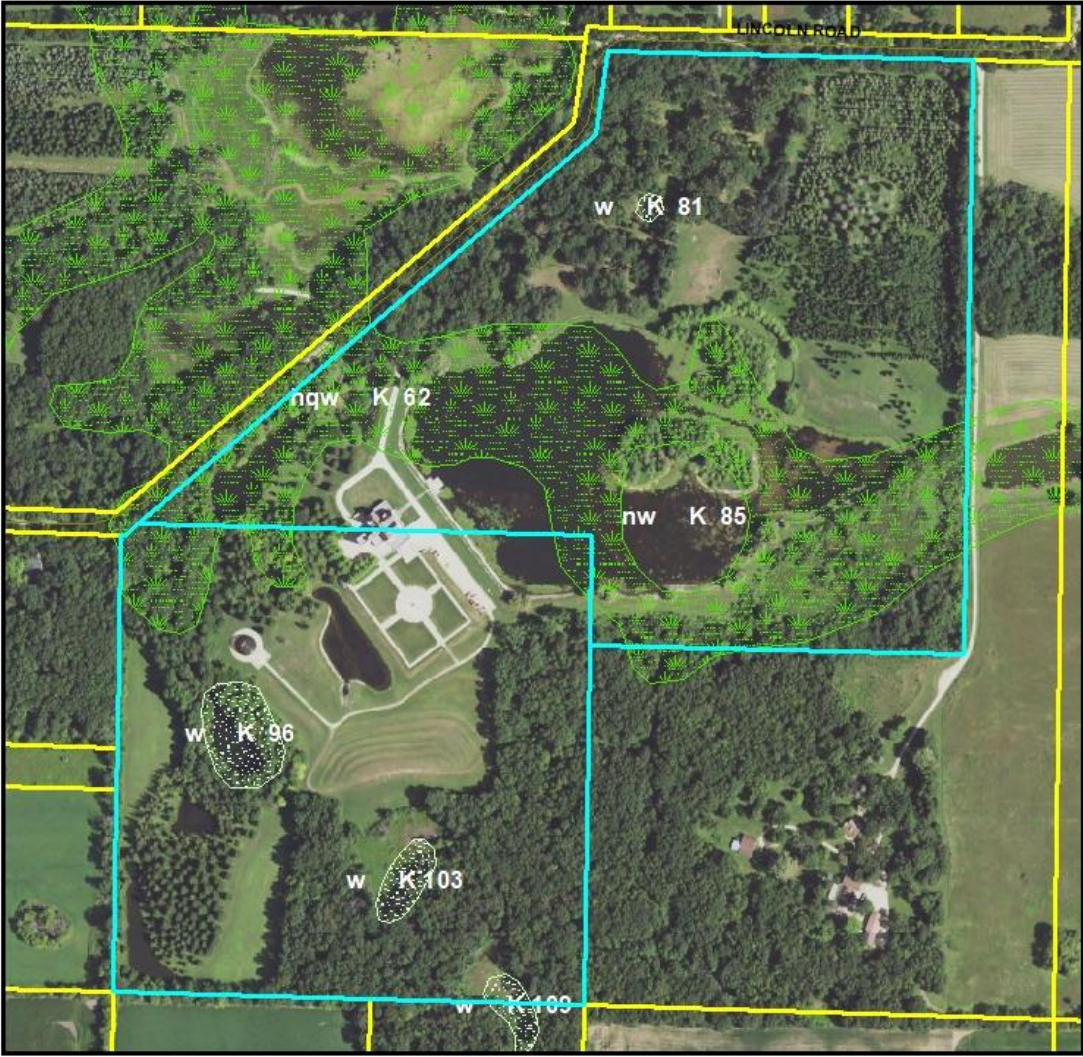
Sincerely,

A handwritten signature in black ink that reads "Ryan Bieber". The signature is written in a cursive style with a large initial 'R' and 'B'.

Ryan Bieber
Urban Conservation Specialist

Cc: Kim Charlow, McHenry County Department of Planning and Development,
KBScharlow@mchenrycountyil.gov

ADID Wetland Locations Map



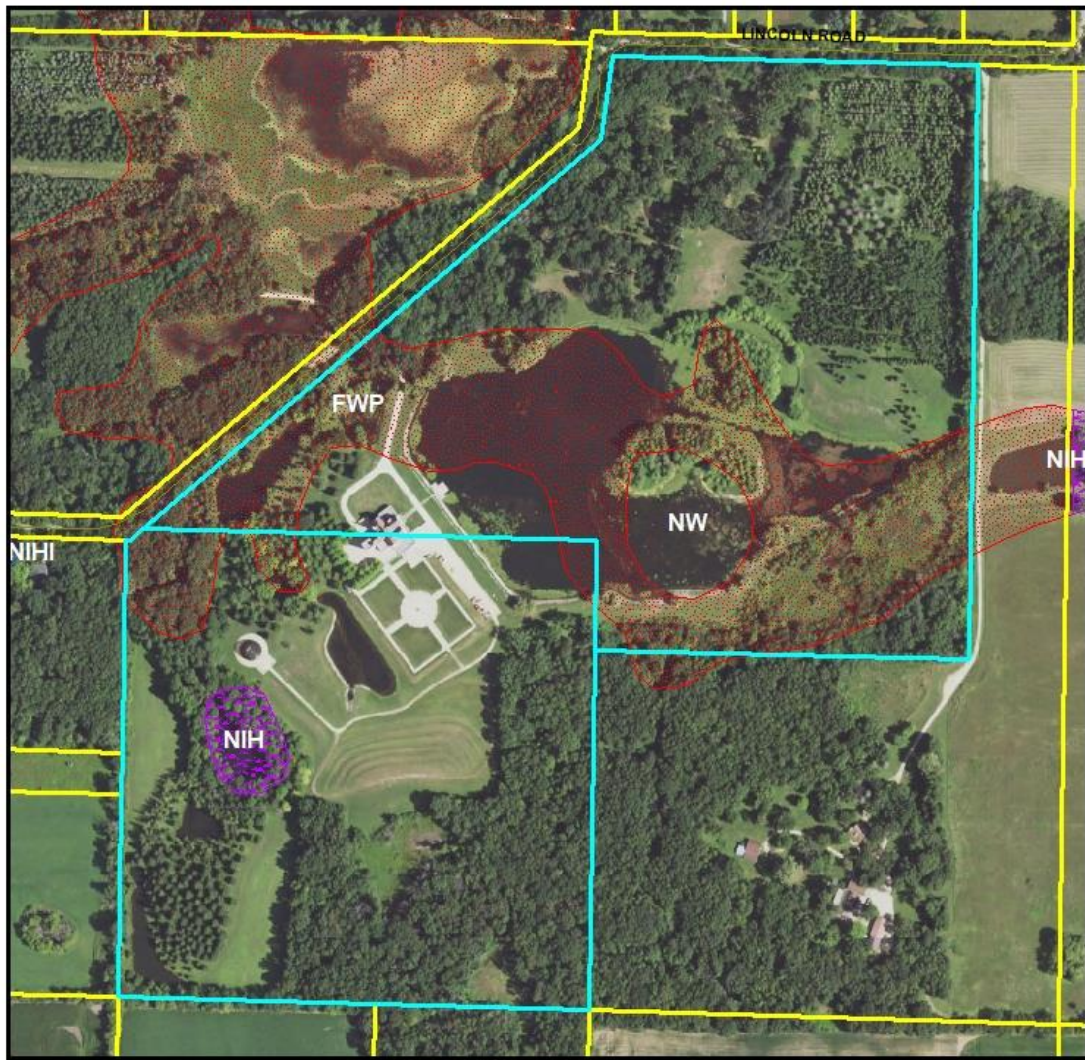
2019 Aerial Photograph
 Produced By: McHenry-Lake County Soil & Water Conservation District



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

Resources for the Future

NRCS Wetland Locations Map



0 150 300 600 900 1,200 Feet

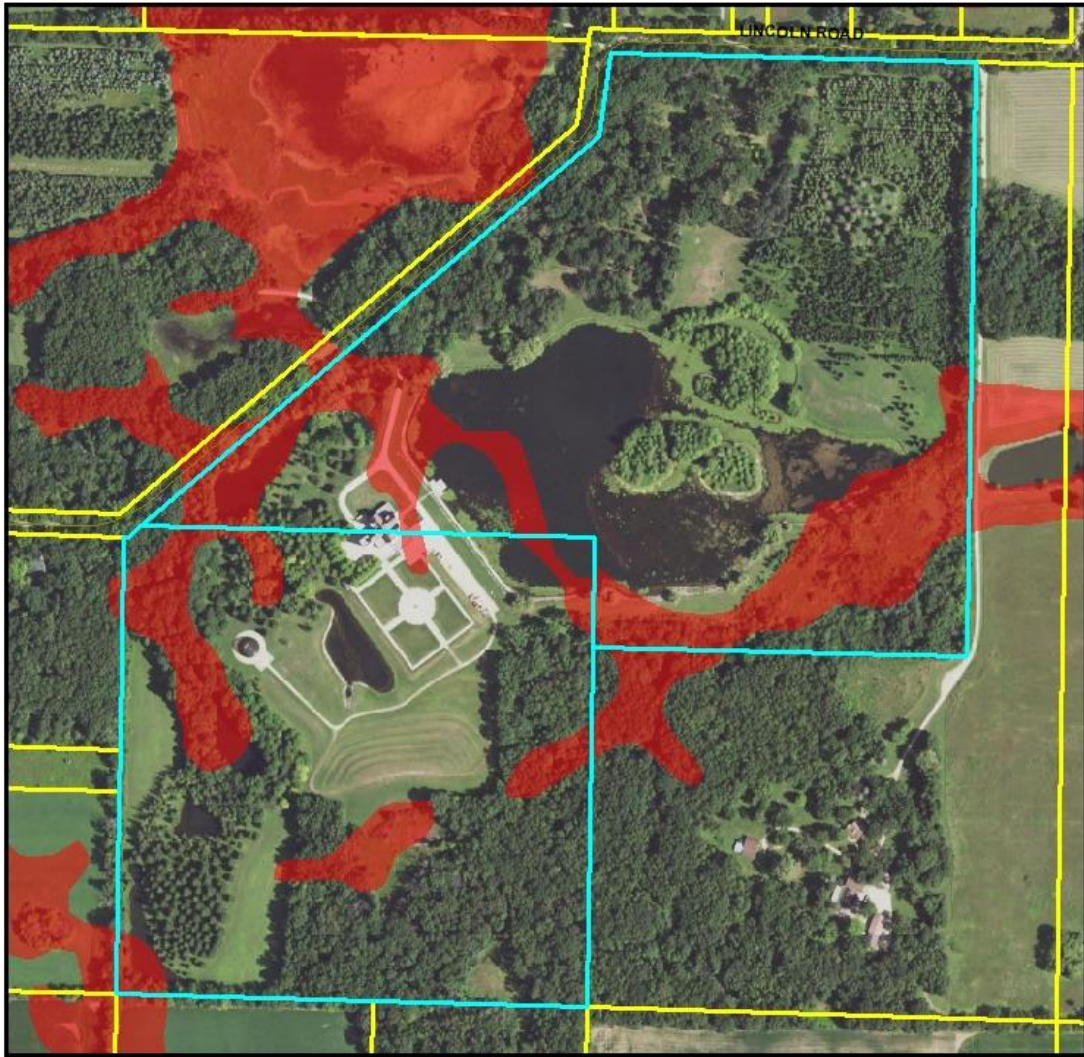
2019 Aerial Photograph
Produced By: McHenry-Lake County Soil & Water Conservation District



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 Map



0 150 300 600 900 1,200 Feet

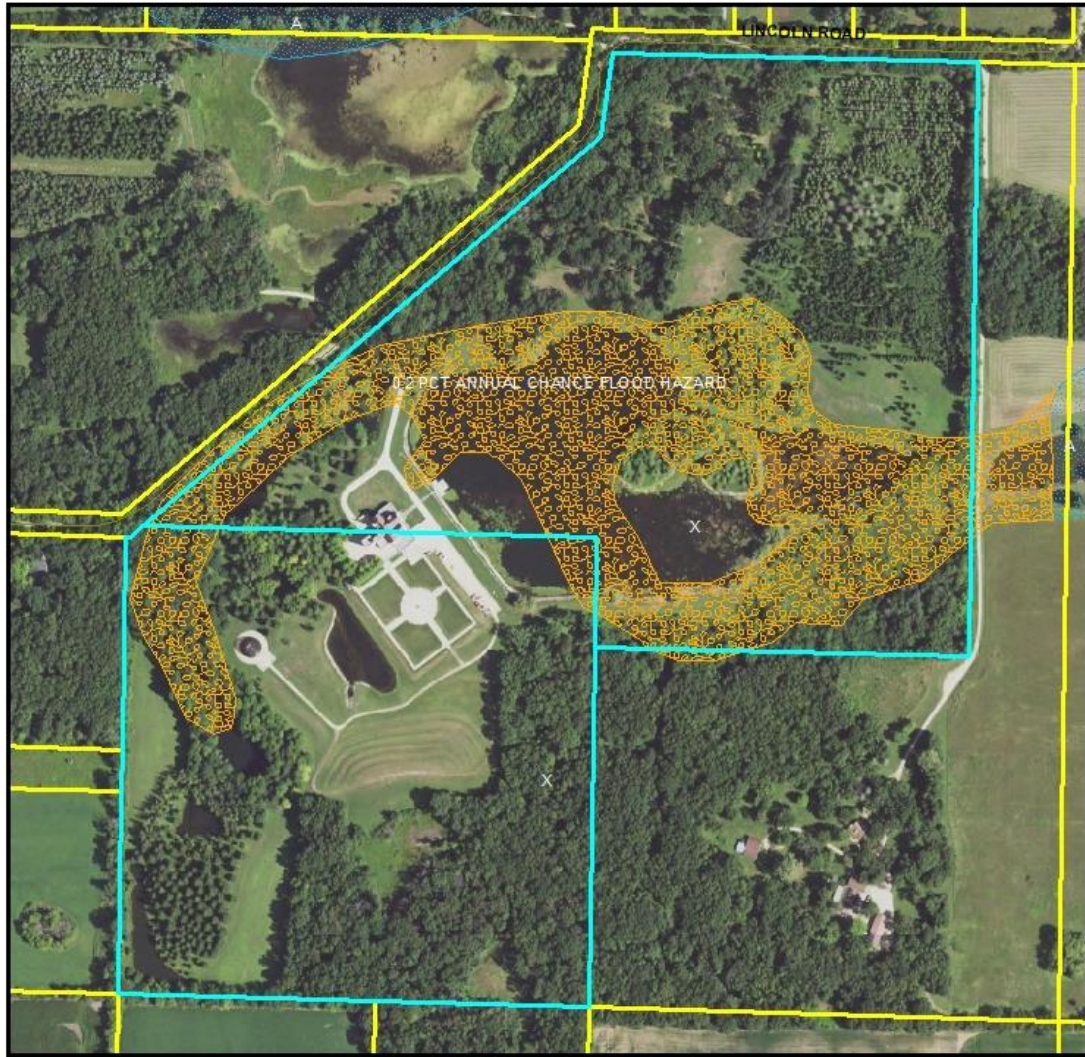
2019 Aerial Photograph
Produced By: McHenry-Lake County Soil & Water Conservation District



Key To Features	
	Hydric Soil

Resources for the Future

FEMA Floodplain 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	
FEMA Floodplain	
Flood Zone	
	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