

IN THE MATTER OF THE APPLICATION )  
OF **JASON TIMOTHY SPAARGAREN** )  
AND **MARLA CURRAN SPAARGAREN** ) 2024-032  
FOR A VARIATION OF THE UNIFIED DEVELOPMENT )  
ORDINANCE OF McHENRY COUNTY, ILLINOIS )

WHEREAS, your petitioners, Jason Timothy Spaargaren and Marla Curran Spaargaren, have filed a petition with the McHenry County Hearing Officer, requesting a **variation** as it relates to the McHenry County Unified Development Ordinance and to the real property more fully described as:

**LOT 1 IN BLOCK 8 IN R.A. CEPEK'S CRYSTAL LAKE GARDENS, A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 1, 1928 AS DOCUMENT NO. 81777, IN BOOK 6 OF PLATS, PAGE 15, IN MCHENRY COUNTY, ILLINOIS.**

***PIN 18-02-429-001***

More commonly known as ***609 North Avenue, Crystal Lake, Illinois in Grafton Township.***

WHEREAS, the Petition requests no reclassification of the subject property from its present classification which is ***"R-1" Single Family Residential District; but a variation be granted to the property to allow for a setback of nine and six one hundredths (9.06) feet from the required fifteen (15) feet from the north street lot line and a setback of seventeen and sixty-five one hundredths (17.65) feet from the required twenty (20) feet from the west property line.***

WHEREAS, the subject property consists of approximately ***.14 acres*** in which no reclassification is contemplated.

WHEREAS, a hearing on said petition was held before the Hearing Officer of McHenry County in the manner and the form as prescribed by the Ordinance and Statute; and

WHEREAS, as a result of said hearing, the taking of evidence, and the viewing of exhibits advanced thereat, the Hearing Officer of McHenry County ***did recommend the granting of a variation to allow for a setback of nine and six one hundredths (9.06) feet from the required fifteen (15) feet from the north street lot line and a setback of seventeen and sixty-five one hundredths (17.65) feet from the required twenty (20) feet from the west property line.***

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

WHEREAS, the McHenry County Board has determined that the standards for a variation as set forth in the McHenry County Unified Development Ordinance and the Illinois Compiled Statutes have been met.

NOW, THEREFORE BE IT ORDAINED, that the Unified Development Ordinance and the Zoning Maps of McHenry County and such Ordinances and such maps as amended, be and the same are hereby amended to allow a **variation to allow for a setback of nine and six one hundredths (9.06) feet from the required fifteen (15) feet from the north street lot line and a setback of seventeen and sixty-five one hundredths (17.65) feet from the required twenty (20) feet from the west property line.**

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

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

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

ATTEST:

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

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

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

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

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

**HEARING OFFICER REPORT TO THE MCHENRY  
COUNTY BOARD IN THE MATTER OF PETITION #2024-032**

1. **Recommendation:** Approve
2. **Applicant:** Jason Timothy Spaargaren and Marla Curran Spaargaren, Owners of Record
3. **Request:** Variation within the R-1 Single-Family Residential district to allow for a setback of nine and six one-hundredths (9.06) feet from the required fifteen (15) feet from the north street lot line and a setback of seventeen and sixty-five one-hundredths (17.65) feet from the required twenty (20) feet from the west property line. (McHenry County Unified Development Ordinance §16.60.010.C)
4. **Location and size of property in question:** The subject property consists of approximately .14 acres and is located at the southeast corner of the intersection of North Avenue and Rose Avenue. Common address: 609 North Avenue, Crystal Lake, Illinois in Grafton Township. PIN: 18-02-429-001
5. **Present at hearing:**  
Jason Timothy Spaargaren and Marla Curran Spaargaren, Applicants/Owners of Record  
Michael J. McNerney, Hearing Officer  
Kim Scharlow, County Staff; Kit GearhartSchinske, County Staff  
Public: None
6. **Date, time and location of the hearing:** June 11, 2024 11:00a.m., County Board Conference Room at McHenry County Government Center, Ware Road Administration Building, Woodstock, IL 60098.
7. **Items of evidence:**  
Official Site Plan, Application to allow variance, Natural Resource Information Report, McHenry-Lake County Soil & Water Conservation District Letter of L24-050-4606.
8. **Summary of Testimony at the hearing:**  
The Hearing Officer opened the meeting at 11:10 AM and described the property and the request. He swore in the applicants and Staff.

Ms. Spaargaren stated that they would like to build a single story one (1) car garage attached to the two (2) story house. She stated that they do not currently have a garage. She stated that the septic tank and leach field are in the back yard, and the only place to put a garage is in the north side yard.

Mr. McNerney asked Staff to describe the setback requirements. Staff stated that there is a subdivision platted setback line of fifteen (15) feet on the north end of the property and a twenty (20) foot setback on the west side. Staff stated that the existing residence encroaches into the west side setback. Adding an addition would require a variance on both the west and north sides of the property.

Mr. McNerney asked if the garage will be in line with the home. Ms. Spaargaren stated that it will. Mr. McNerney asked when the home was originally built. Ms. Spaargaren

stated that it was built in the 1950's. Mr. McNerney asked Staff if the home, when originally constructed, would have been in compliance with the ordinance at that time. Staff stated that it was at that time.

Mr. McNerney asked if the applicants had talked to the neighbors. Ms. Spaargaren stated that they have, and the adjacent neighbors approve of the garage. Mr. McNerney asked what the traffic is like on Rose Avenue. Ms. Spaargaren stated that it is a dead-end road and most people driving down that road are residents. She stated that they are not impeding sight lines.

Staff stated that there is quite a bit of area between the lot line and the street. Staff does not foresee any sight line issues.

The Hearing Officer found that all of the Standards for Approval had been met and recommended approval of the request.

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

The Standards for Variation, listed in Sec. 16.20.020.F of the McHenry County Unified Development Ordinance, have been met. The Witnesses have met their burden of establishing the necessary ordinance requirements. Accordingly, it is my recommendation that the petitioner's request be granted.

Respectfully submitted,

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

Grafton Township  
PLAN REVIEW REPORT  
VARIATION REQUEST APPLICATION #2024-032

Hearing Date: June 11, 2024

**Applicant:** Jason Timothy Spaargaren and Marla Curran Spaargaren, Owners of Record

**Request:** *Variation* within the **R-1 Single-Family Residential** district to allow for a setback of nine and six one-hundredths (9.06) feet from the required fifteen (15) feet from the north street lot line and a setback of seventeen and sixty-five one-hundredths (17.65) feet from the required twenty (20) feet from the west property line. (*McHenry County Unified Development Ordinance §16.60.010.C*)

**Location:** The subject property consists of approximately .14 acres and is located at the southeast corner of the intersection of North Avenue and Rose Avenue.  
Common address: 609 North Avenue, Crystal Lake, Illinois in Grafton Township.  
PIN: 18-02-429-001

**Current Land Use:** The property is designated **SINGLE-FAMILY RESIDENTIAL** on the Current Land Use map.

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

**Current Zoning:** The property is currently zoned **R-1 Single-Family Residential District/LN**

**Adjacent Zoning:** North: *R-1 Single-Family Residential District/LN* East: *R-1 Single-Family Residential District/LN*  
South: *R-1 Single-Family Residential District/LN* West: *R-1 Single-Family Residential District/LN*

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

**Improvements:** The subject property contains a two-story frame residence, frame shed, asphalt driveway, and concrete walkways, according to the Plat of Survey.

**Natural Resources:** No wetlands were found on the site. Due to the size of the parcel and minimal new construction, impact to natural resources from the proposed use is minimal, according to Natural Resources Inventory (NRI) Letter L24-050-4606.

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

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

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

**Comments/ Conclusion:**

- The granting of the requested variations would allow the applicants to apply for and obtain a building permit to construct an attached garage on the north end of the existing residence.
- The applicant should be aware that under **Section 16.20.020 (F)** of the **McHenry County Unified Development Ordinance**, several standards are cited, all of which must be met in order for a Variation to be granted. These standards include hardship in relation to the site conditions, that the request is unique to the property, that the purpose of the request is not based on any monetary gain, that the petitioners did not cause or create the hardship, that the request is not detrimental to the public welfare and safety, that the request will not impair adequate light and air to adjacent property, or increase congestion in the public streets, or increase danger of fire, and that the request not confer any special privilege to the applicant that is denied to others of the same zoning district.
- An Illinois Department of Natural Resources (IDNR) report was not required for this project.



# Aerial Photo

609 North Avenue, Crystal Lake, Illinois

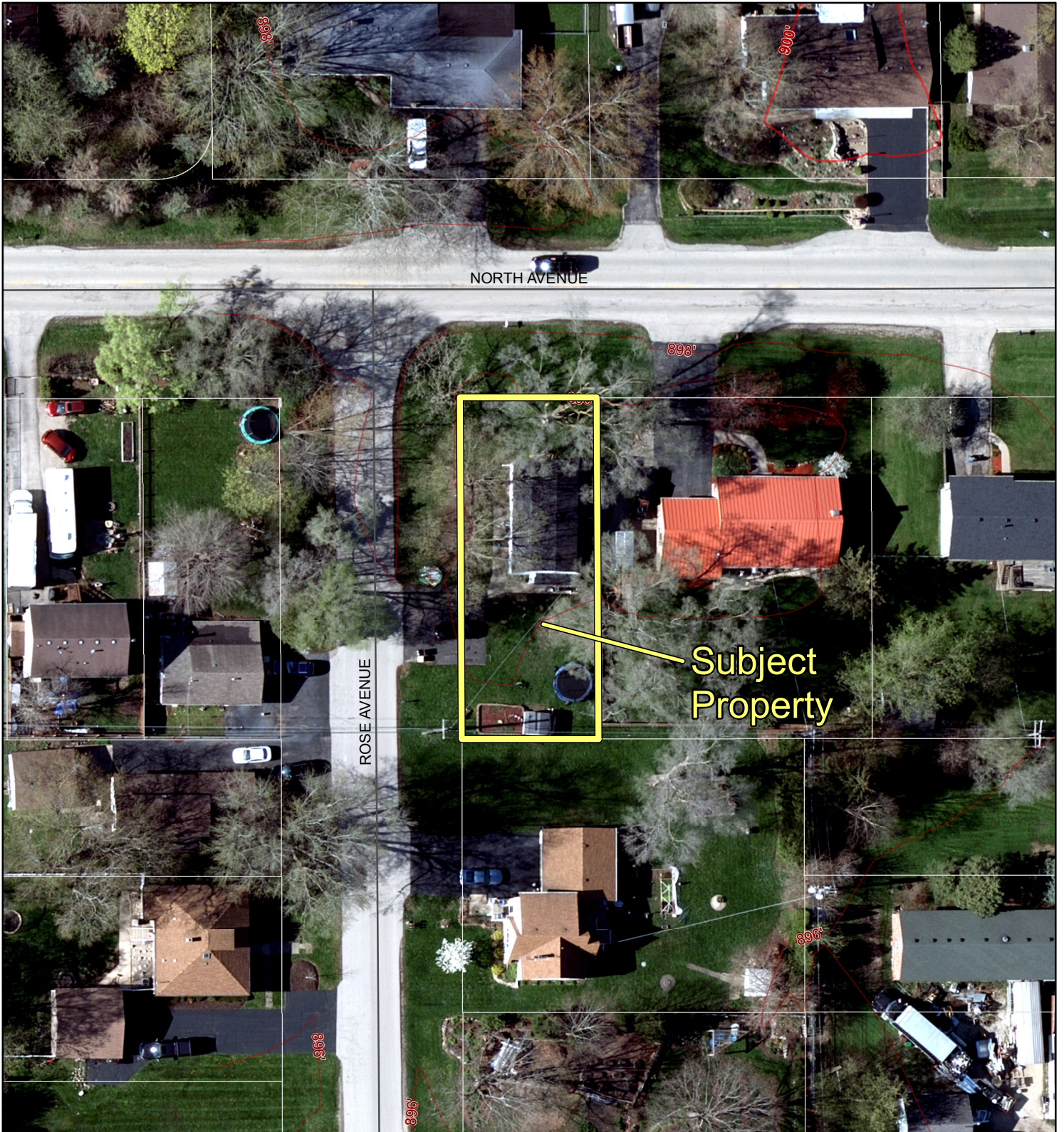


Photo: 2022

Any parcel lines depicted on the aerial photograph are for general reference only. Please refer to the plat of survey for the location of lot or parcel lines.

**Elevation** (feet above sea level)

— Contours

0 25 50 100

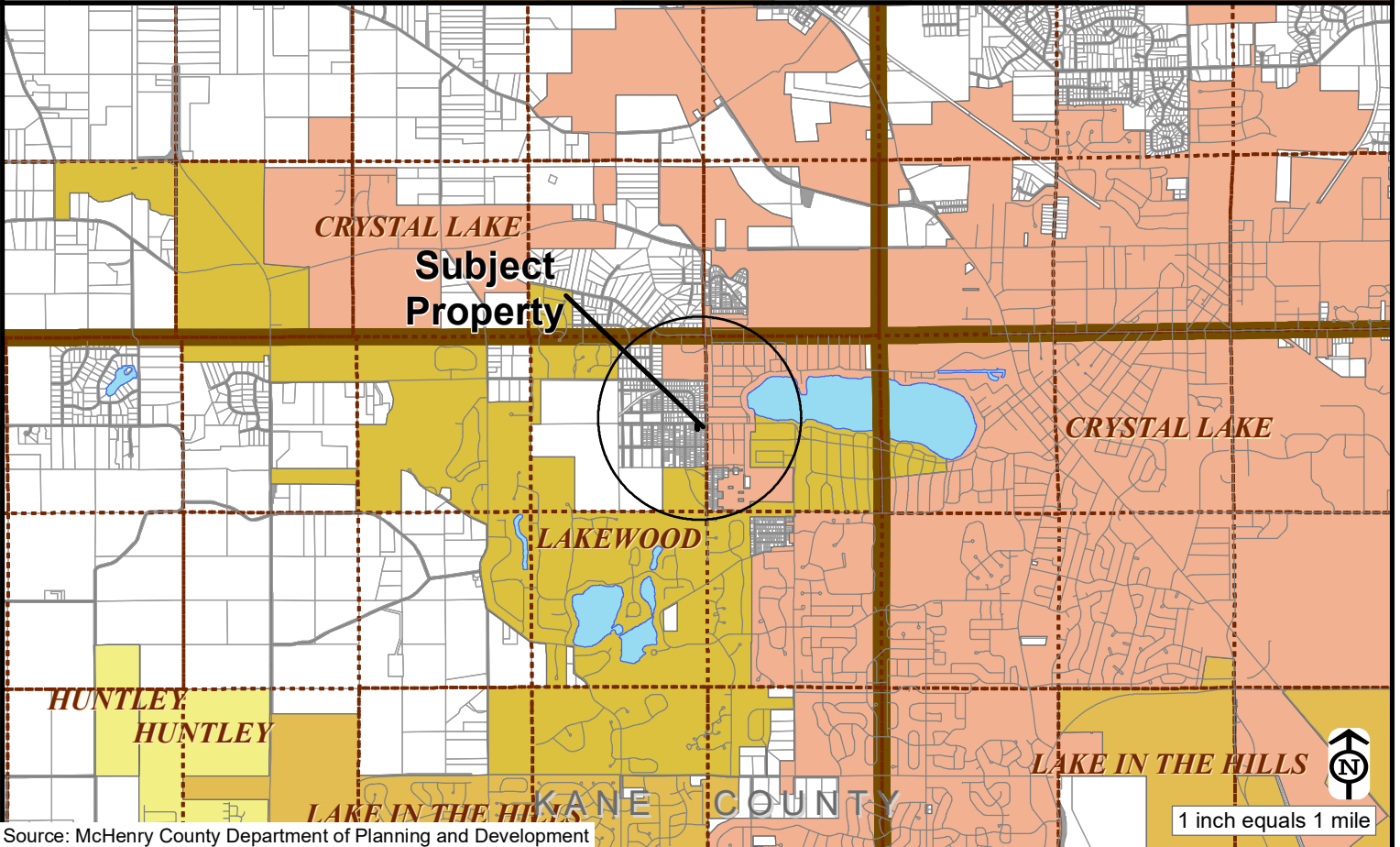
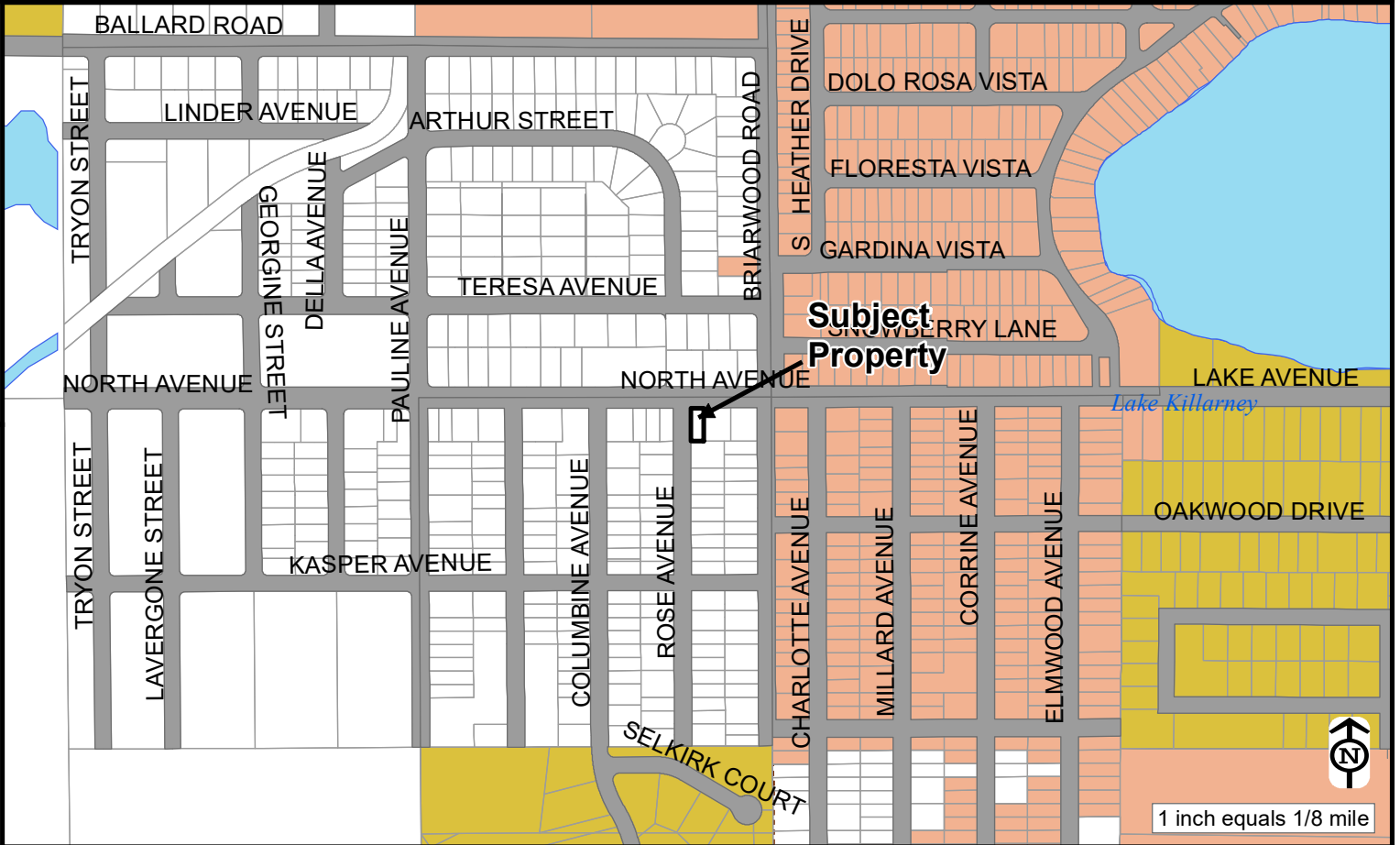


Feet

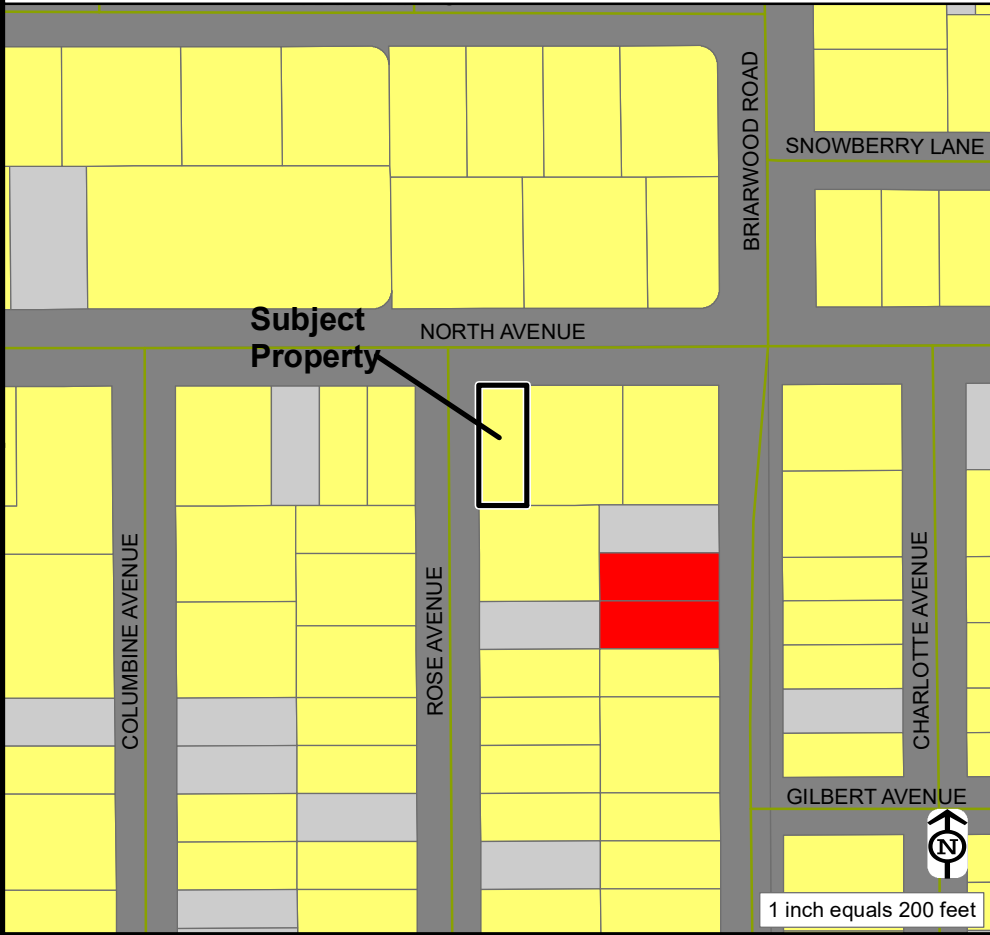
Prepared by the McHenry County  
Department of Planning and Development







### Current Land Use Map



#### Current Land Use

*Single-Family Residential*

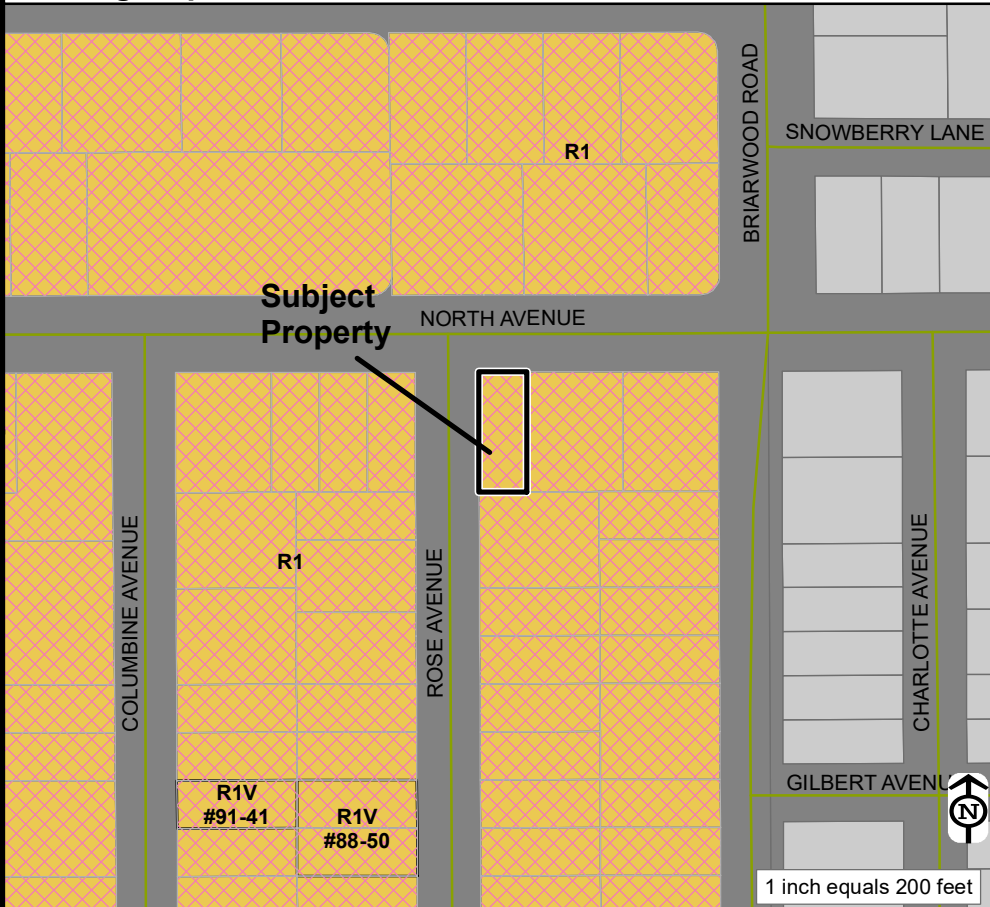
#### Land Use Adjacent to the PIQ

North: *Single-Family Residential*  
 South: *Single-Family Residential*  
 East: *Single-Family Residential*  
 West: *Single-Family Residential*

- Agriculture
- MCCD Agriculture
- Single-Family Residential
- Multi-Family Residential
- Open Space
- Golf Course
- Commercial
- Office
- Industrial
- Mixed Use
- Earth Extraction
- Vacant
- Government / Institutional
- Transportation, Communication, Utilities
- Under Review

1 inch equals 200 feet

### Zoning Map



#### Current Zoning

#### R-1 Single Family Residential/LN

#### Adjacent Zoning

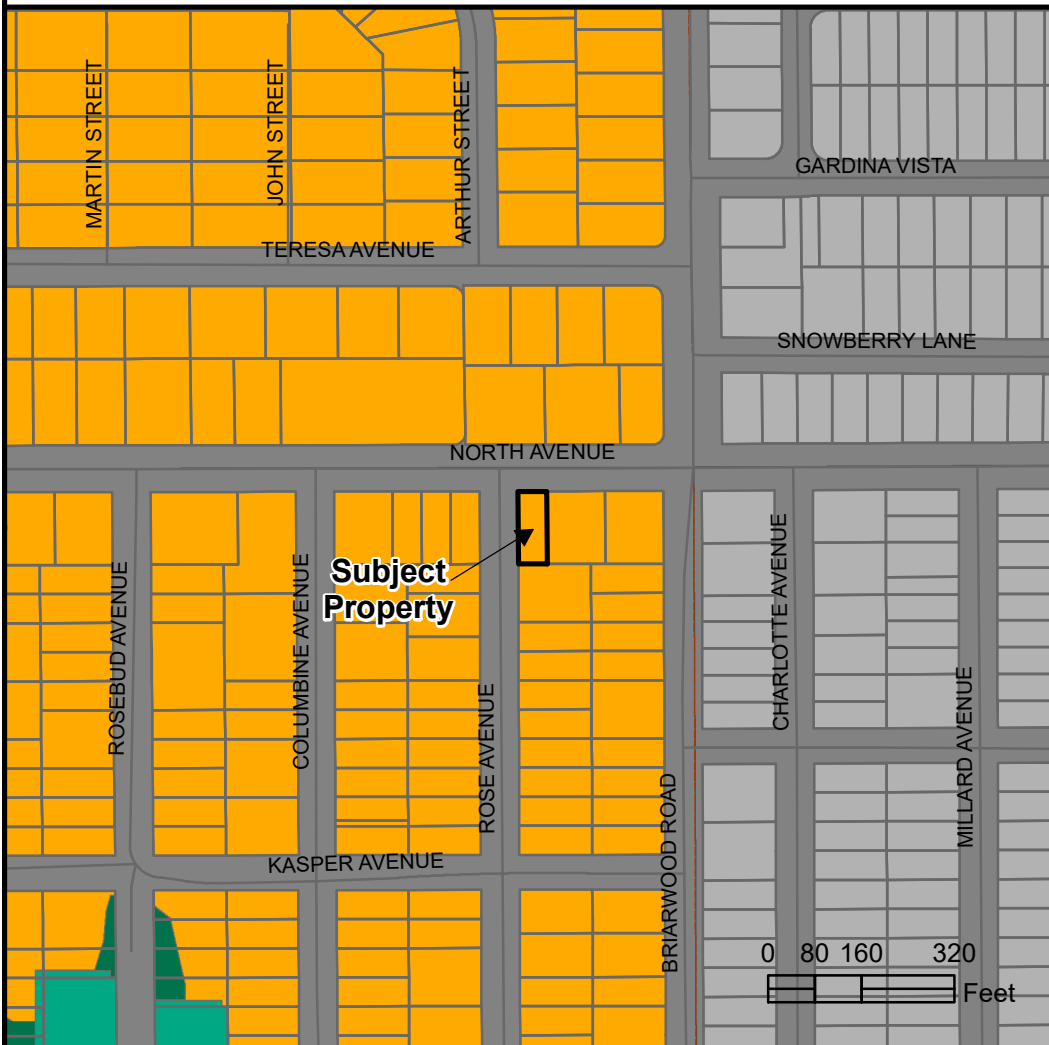
North: R-1 Single Family Residential/LN  
 South: R-1 Single Family Residential/LN  
 East: R-1 Single Family Residential/LN  
 West: R-1 Single Family Residential/LN

- |  |   |
|--|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFFFF; border: 1px solid black; margin-right: 5px;"></span> A-1 Agriculture   | <span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> A-2 Agriculture  |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #C8E6C9; border: 1px solid black; margin-right: 5px;"></span> E-5 Estate  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #E0E0E0; border: 1px solid black; margin-right: 5px;"></span> E-3 Estate   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #D7CCC8; border: 1px solid black; margin-right: 5px;"></span> E-2 Estate  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #A52A2A; border: 1px solid black; margin-right: 5px;"></span> E-1 Estate   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700; border: 1px solid black; margin-right: 5px;"></span> R-1 Single-Family Residential   |   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF8C00; border: 1px solid black; margin-right: 5px;"></span> R-2 Two-Family Residential  |   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF4500; border: 1px solid black; margin-right: 5px;"></span> R-3 Multiple-Family Residential   |   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFB6C1; border: 1px solid black; margin-right: 5px;"></span> B-1 Neighborhood Business   |   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000; border: 1px solid black; margin-right: 5px;"></span> B-2 Liquour Business  |   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #8B0000; border: 1px solid black; margin-right: 5px;"></span> B-3 General Business  |   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF00FF; border: 1px solid black; margin-right: 5px;"></span> O Office / Research   |   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #9370DB; border: 1px solid black; margin-right: 5px;"></span> I-1 Light Industrial  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #483D8B; border: 1px solid black; margin-right: 5px;"></span> I-2 Heavy Industrial   |
| <span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, #000000 2px, #000000 4px); border: 1px solid black; margin-right: 5px;"></span> PD Planned Development |   |
| <span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> C Conditional Use  | <span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> V Variation   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #A9A9A9; border: 1px solid black; margin-right: 5px;"></span> Incorporated  | <span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, #FF0000 2px, #FF0000 4px); border: 1px solid black; margin-right: 5px;"></span> Legacy Neighborhood |

1 inch equals 200 feet



# McHenry County 2030 Comprehensive Plan Future Land Use Map



## Future Land Use Map Designation

*Residential*

- 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 = 1/16 mile

### Municipal/Township Plan Designations

Grafton Township: Residential

Crystal Lake: No Designation

Lakewood: Medium Density Residential

### McHenry County 2030 Comprehensive Plan — Text Analysis

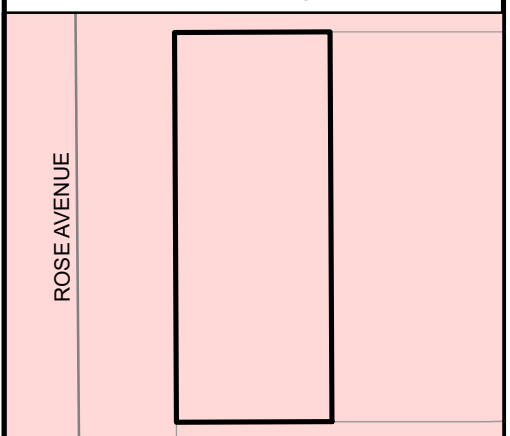
#### Land Use

Residential includes existing and proposed areas for single-family and multifamily residential uses at gross densities of less than one acre per dwelling unit. Most residential development will occur following municipal annexation, particularly those that provide public sewer and water. Consideration should be given regarding nearby land uses and zoning, the availability of transportation, infrastructure, water supply, other public services, environmental limitations, and other factors required by law.

#### Sensitive Aquifer Recharge Areas

The site IS located in a zone with elevated contamination potential.

### Sensitive Aquifer Recharge Areas (SARA)



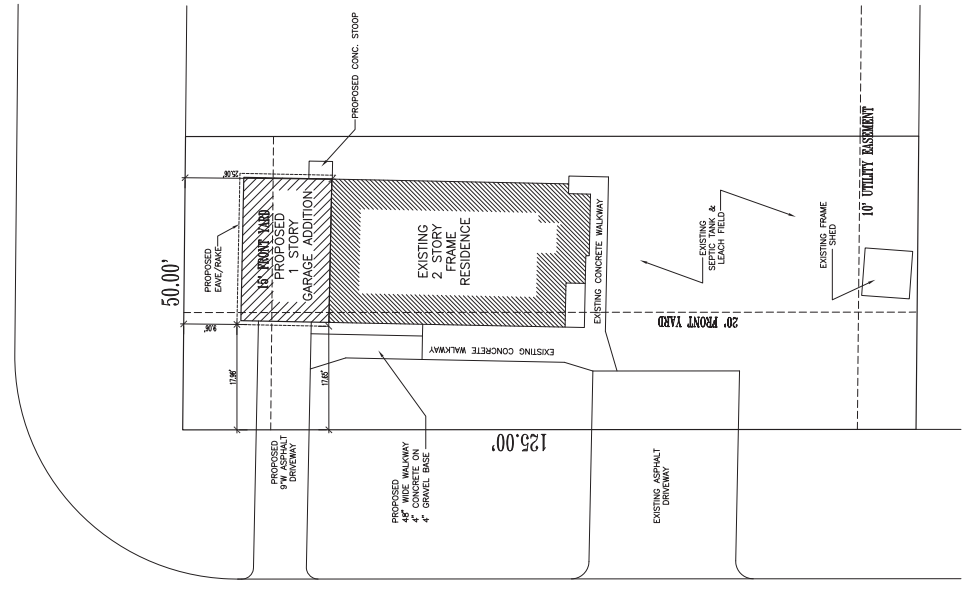
- Sensitive Recharge Area

# SPAARGAREN RESIDENCE

## 609 NORTH AVE

### CRYSTAL LAKE, IL 60014

NORTH AVENUE



SITE PLAN

- NOTES:**
1. VERIFY UTILITY LOCATIONS.
  2. VERIFY TREES TO BE REMOVED WITH OWNER.
  3. VERIFY STRUCTURE LOCATION WITH OTHERS.
- THE SITE PLAN DEPICTED REPRESENTS A REFERENCE LOCATION ONLY. NOT TO BE USED FOR STAKING, EXCAVATION, FOUNDATION LOCATION OR BUILDING OF ANY KIND. REFERENCE CIVIL ENGINEERING FOR ACTUAL HOUSE LOCATION AND VERIFY IN FIELD NO PORTION OF THE STRUCTURE EXTENDS OVER SETBACKS, BUILDING LINES OR EASEMENTS.
4. REFER TO CIVIL ENGINEERING PLANS FOR UTILITY INFORMATION.
  5. BOUNDARY BASED UPON PLAT OF SURVEY FURNISHED TO ARCHITECT BY OWNER. VERIFY LOT DIMENSIONS IN FIELD.
- NOTE:**  
MAINTAIN EXISTING GRADES & DRAINAGE PATTERN. ANY DRAINAGE ISSUES THAT MAY ARISE FROM THE CONSTRUCTION ASSOCIATED WITH THIS PERMIT WILL BE ADDRESSED BY THE PERMITEE.

PRELIMINARY  
 NOT FOR CONSTRUCTION  
 NOT FOR PERMIT SUBMITTAL

<p>Architects &amp; Planners, Inc.          1701 E. Radio Ave.          Washington, WI 53186          Phone: (414) 781-1111          Fax: (414) 781-1112          Email: info@apl.com</p>	<p>SITE PLAN          GENERAL NOTES          SPAARGAREN RESIDENCE          609 NORTH AVE.          CRYSTAL LAKE, IL 60014</p>	<p>PRELIMINARY          NOT FOR CONSTRUCTION          NOT FOR PERMIT SUBMITTAL</p>	<p>Sheet Number: AM00          Date: 2/10/20          Project Number: 240030000</p>
---	---	--	---

**McHENRY-LAKE COUNTY  
SOIL & WATER  
CONSERVATION DISTRICT**



---

1648 S. Eastwood Dr. Woodstock, Illinois 60098 (815) 338-0444 ext. 3 [www.mchenryswcd.org](http://www.mchenryswcd.org)

May 8, 2024

Jason Spaargaren  
609 North Avenue  
Crystal Lake, IL 60014

Re: Parcel # 18-02-429-001  
Common Location: 609 North Avenue, Crystal Lake, IL 60014  
NRI# L24-050-4606  
Zoning Change: R1 to R1 Variance

Dear Mr. Spaargaren:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for Natural Resource Information Report on the Jason & Marla Spaargaren property as applied for in Report #L24-050-4606. Due to the size of the parcel and minimal construction, the SWCD finds that impact to natural resources from the proposed use is minimal for the purposes of the NRI report. A full Natural Resource Information Report will not be necessary.

No wetlands, hydric soils, or floodplains were found on the site from office maps. Our inventories are for informational and planning purposes only. Any proposed drainage work, in wet areas, requires a certified wetland delineation. If drainage work is to occur, please contact the Army Corps of Engineers and McHenry County Department of Planning & Development for permit information.

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

Sincerely,

Ryan Bieber  
Urban Conservation Specialist