

IN THE MATTER OF THE APPLICATION OF
JESSICA R. WOLF
FOR A *VARIATION* OF THE UNIFIED
DEVELOPMENT ORDINANCE OF
MCHENRY COUNTY, ILLINOIS

2024-075

Z25-0023

WHEREAS, your petitioner, **JESSICA R. WOLF**, has filed a petition with the McHenry County Hearing Officer, requesting a *variation* as it relates to the McHenry County Unified Development Ordinance and to the real property more fully described as:

Lots 18 and 19 in Block 16 in Westshore Beach McCullum Lake, a subdivision of part of the Southeast Quarter of Section 21, Township 45 North, Range 8 East of the Third Principal Meridian; according to the plat thereof recorded May 6, 1939 as Document No, 138763, in Book 9 of Plats, page 32, in McHenry County, Illinois.

PIN 09-21-483-012

More commonly known as ***5211 Cleveland Drive, McHenry, Illinois in McHenry 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 one (1) foot from the required five (5) feet from the east side lot line for a detached garage.***

WHEREAS, the subject property consists of approximately ***.23 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 one (1) foot from the required five (5) feet from the east side lot line for a detached garage.***

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 for a setback of one (1) foot from the required five (5) feet from the east side lot line for a detached garage.***

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

DATED this _____ day of _____, 2025.

Chairperson, McHenry County Board
McHenry County, Illinois

ATTEST:

County Clerk

NUMBER VOTING AYE: _____

NUMBER VOTING NAY: _____

NUMBER ABSTAINING: _____

NUMBER ABSENT: _____

McHenry Township
PLAN REVIEW REPORT
VARIATION REQUEST APPLICATION #2024-075

Hearing Date: January 14, 2025

Applicant: Jessica R. Wolf, Owner of Record

Request: *Variation* within the **R-1 Single-Family Residential/LN** district to allow for a setback of one (1) foot from the required five (5) feet from the east side lot line for a detached garage. (*McHenry County Unified Development Ordinance Table 16.52-1: LN Overlay District Bulk & Setback Regulations*)

Location: The subject property consists of approximately twenty-three one hundredths (0.23) acres and is located on the south side of Cleveland Drive, approximately seven hundred (700) feet east of the intersection of West Cleveland Drive and Beachside Drive.
Common address: 5211 Cleveland Drive, McHenry, Illinois, McHenry Township.
PIN: 09-21-483-012

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

Adjacent Land Use: North: *VACANT* 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: *City of McHenry* West: *R-1 Single-Family Residential District/LN*

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

Improvements: The subject property contains a one-story frame residence, frame garage (to be replaced), and gravel driveway, 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 L24-104-4660.

Flood Hazard Areas: The FEMA Flood Insurance Rate Map indicates that the southern area of the parcel is within the 100-year floodplain.

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:

- Building Permit application #K-6322 is currently pending for the removal and replacement of an existing detached garage on the property in question. The granting of this Zoning Variance application would make it possible for the applicant to obtain a building permit for the proposed detached garage, once all other departmental requirements are met.
- 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

5211 Cleveland Drive, McHenry, Illinois

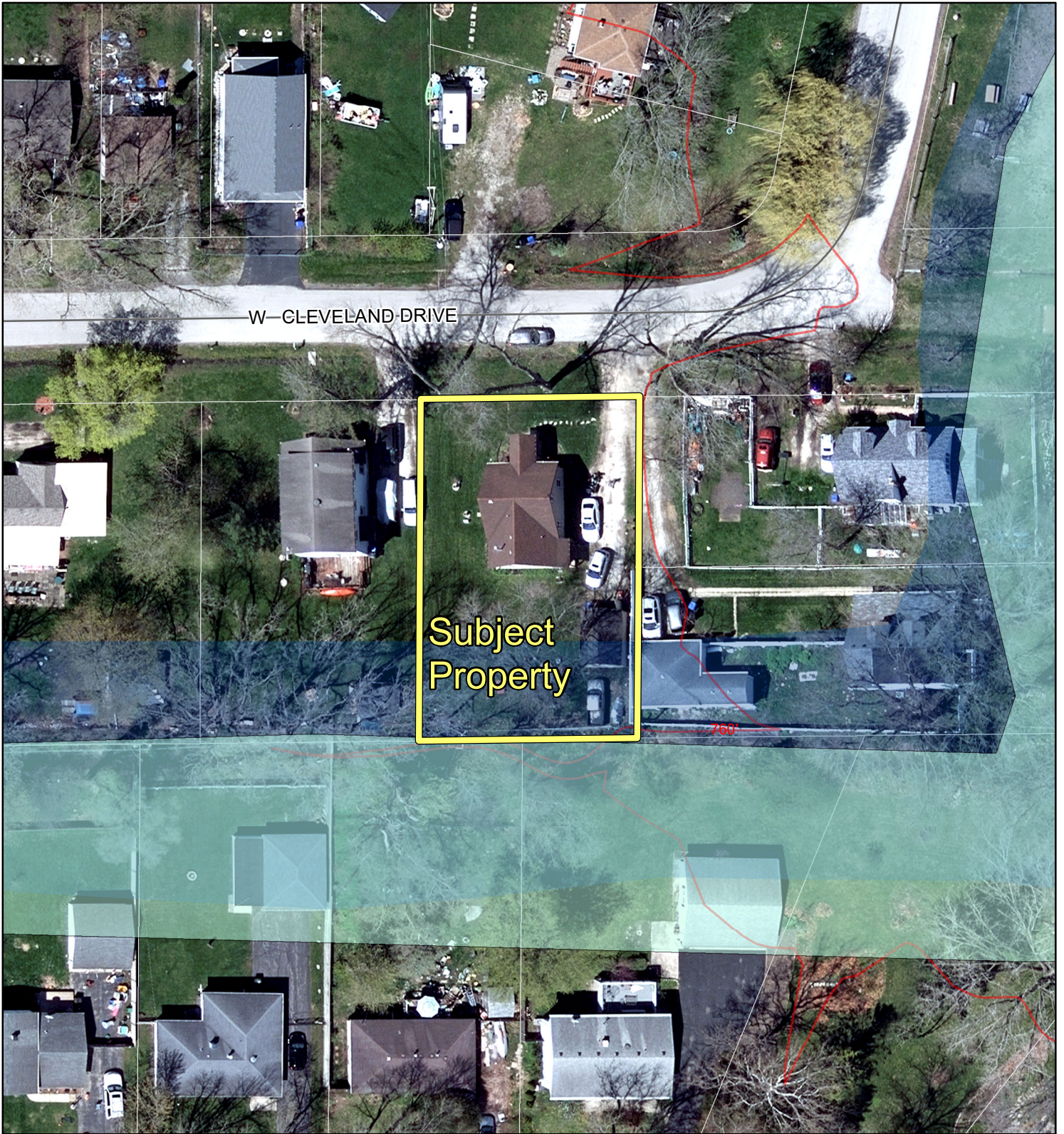
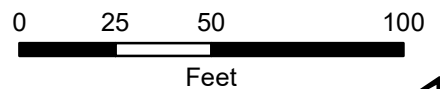


Photo: 2022

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



Elevation (feet above sea level)

— Contours

Historic Flood Zone

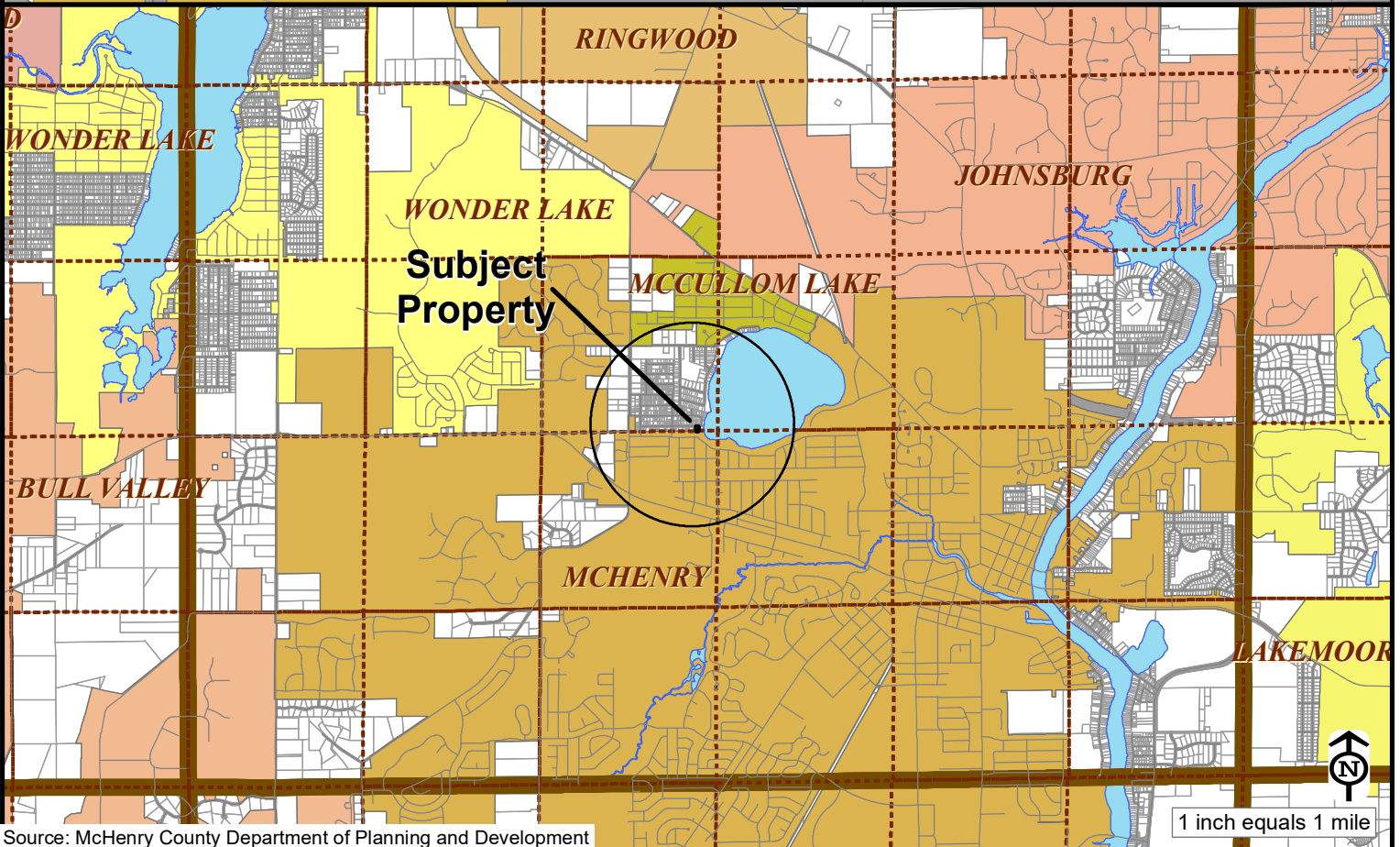


FEMA Flood Hazard Areas

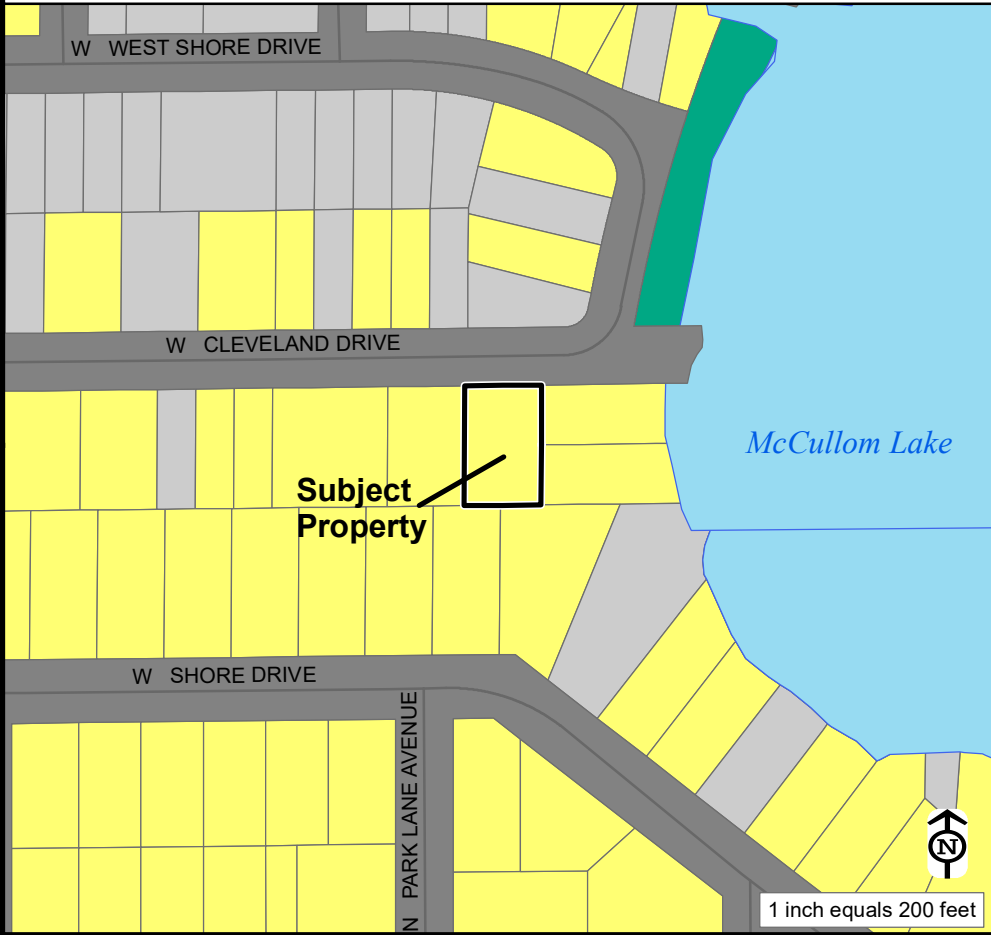
- 0.2 % Annual Chance of Flood
- 1% Annual Chance of Flood
- Floodway

Prepared by the McHenry County
Department of Planning and Development





Current Land Use Map



Current Land Use

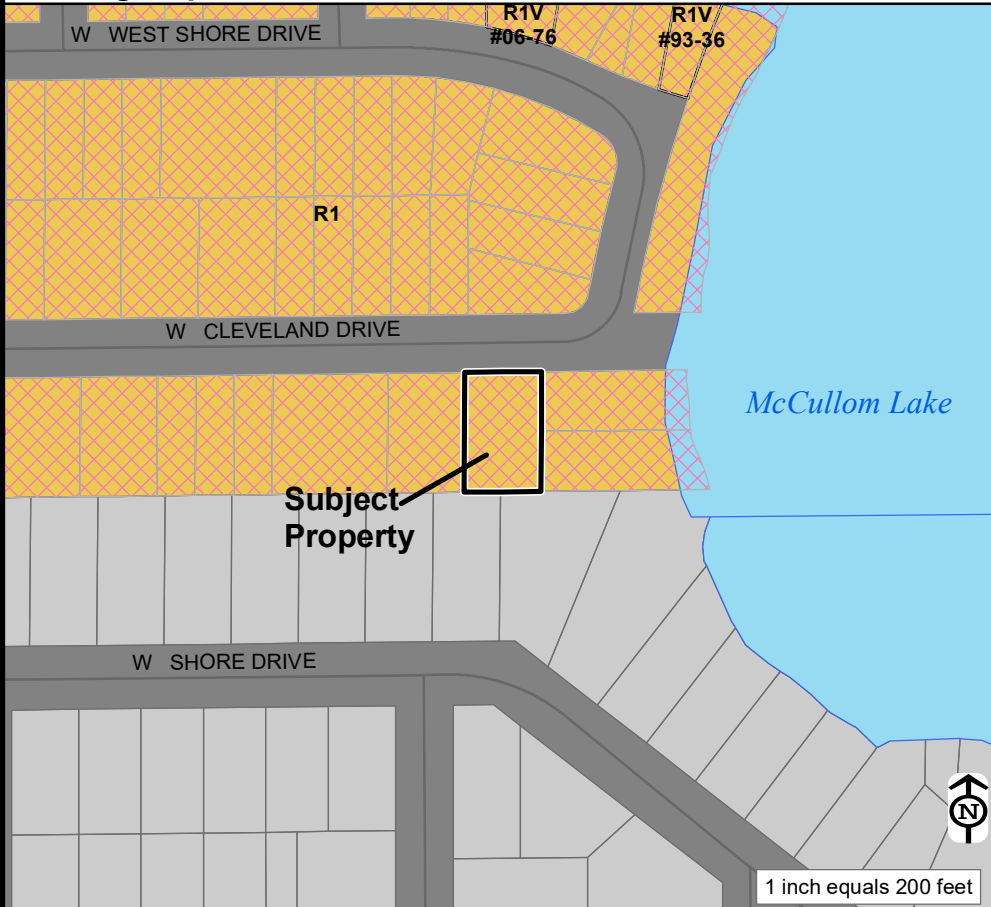
Single-Family Residential

Land Use Adjacent to the PIQ

North: Vacant
 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

Zoning Map



Current Zoning

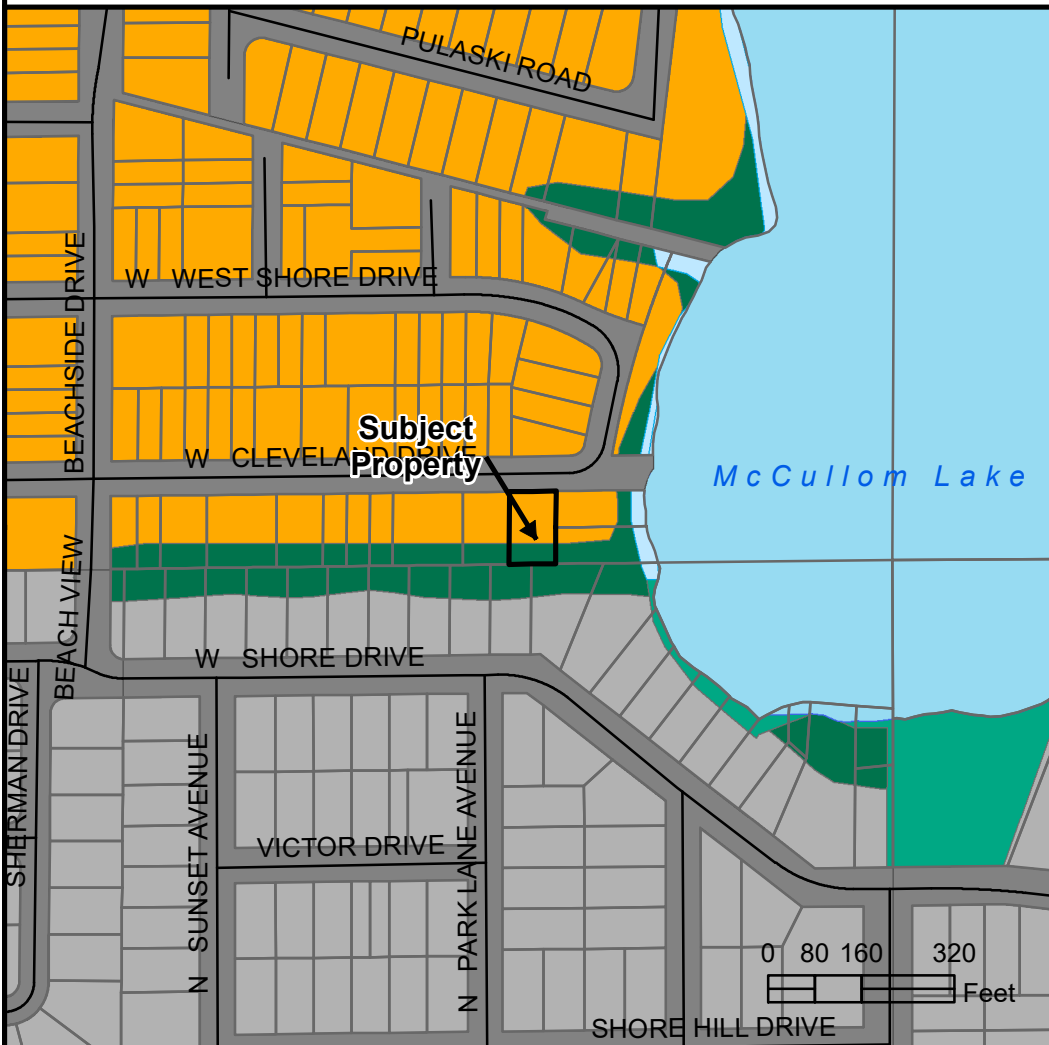
R-1 Single-Family Residential/LN

Adjacent Zoning

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

- | | |
|---|--|
| 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 Liquour Business | |
| B-3 General Business | |
| O Office / Research | |
| I-1 Light Industrial | I-2 Heavy Industrial |
| PD Planned Development | |
| C Conditional Use | V Variation |
| Incorporated | Legacy Neighborhood |

McHenry County 2030 Comprehensive Plan Future Land Use Map



Future Land Use Map Designation

*Residential/
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 = 1/16 mile

Municipal/Township Plan Designations

McHenry Township: Residential/Environmentally Sensitive Area

Johnsburg: No Designation

McCullom Lake: No Designation

McHenry: Medium Density Residential

Ringwood: No Designation

McHenry County 2030 Comprehensive Plan — Text Analysis

Land Use

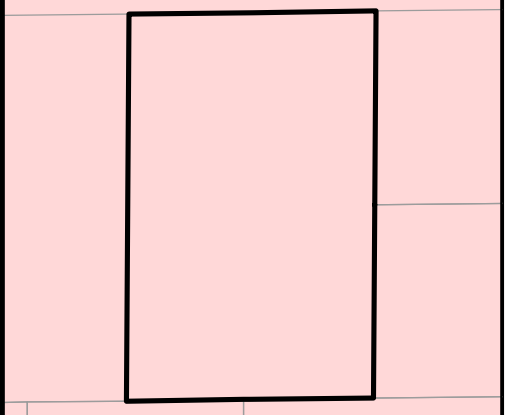
Residential - includes existing and proposed areas for single-family and multifamily residential uses at gross densities of less than one acre per dwelling unit.

Environmentally Sensitive – includes existing floodplains, floodways, wetlands 10 acres and larger from the Advanced Identification (ADID) inventory, and most McHenry County Natural Area Inventory (MCNAI) sites.

Sensitive Aquifer Recharge Areas

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

Sensitive Aquifer Recharge Areas (SARA)



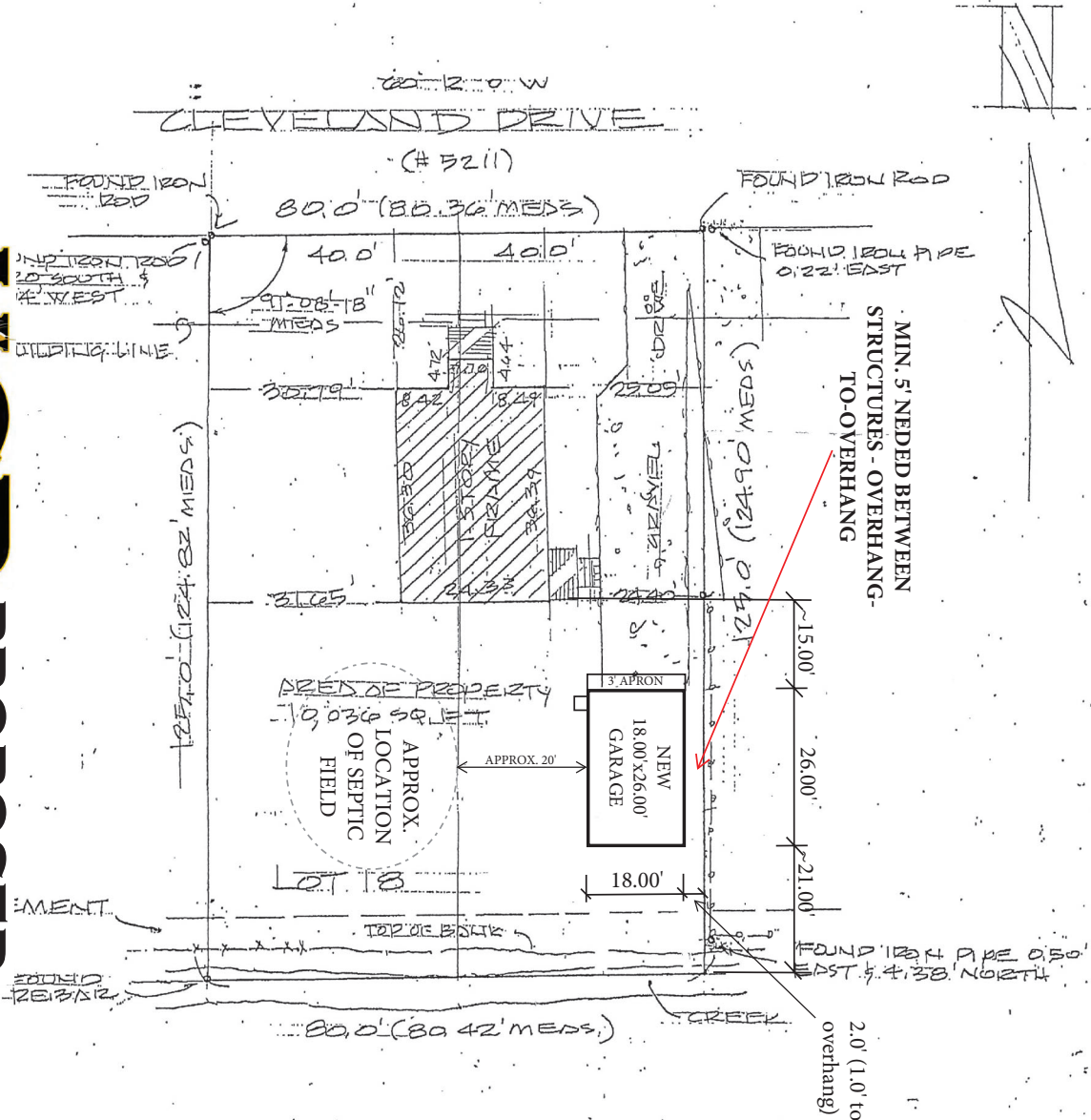
Sensitive Recharge Area

Plat of Survey

OF PROPERTY DESCRIBED AS:

Lots 18 and 19 in Block 16 in Westshore Beach McCullum Lake, a subdivision of part of the Southeast Quarter of Section 21, Township 45 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded May 6, 1939 as Document No. 138763, in Book 9 of Plats, page 32, in McHenry County, Illinois.

HGB PROPOSED
SITE PLAN



FIELD WORK COMPLETED JUNE 4, 2010

This professional service conforms to the current Illinois minimum standards for a boundary survey.

Professional Design-Fir
Land Surveying Corpor
License No. 184-0028

Scale: 1" = 20'
Ordered: Restoration America
Owner: _____
Page: 09-21-4
Drawn: [Signature]
Job: A59, 643SL
City: McHenry

STATE OF ILLINOIS
COUNTY OF KANE ss JUNE 5, 2010
I hereby certify that the buildings on lot shown are within property lines and that the adjoining improvements do not encroach on said premises.

Any discrepancy in measurements should be promptly reported to surveyor for explanation or correction.

WE DO NOT CERTIFY AS TO LOCATION OF UNDERGROUND UTILITIES OR UNDERGROUND IMPROVEMENTS.

THIS SURVEY IS VALID ONLY WITH EMBOSSED SEAL

I hereby certify that I have surveyed the above described premises according to the official record, and that the above plat correctly represents said survey.

CHARLES J. HILL, P.L.S. NO. 2700 LICENSE EXP. 11/30

ALAN J. COULSON, P.C.
PROFESSIONAL LAND SURVEYORS
645 S. 8th St., (Rte. 31) West Dundee, IL 60118
Phone: (847)-426-2911 Fax: (847)-426-8074
E-MAIL: SIRVAYR@ALANJCOULSON.COM

Compare the description on this plat with deed. Refer to title for easements and buildings lines.

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



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

December 30, 2024

Andrew Venamore
Heartland Garage Builders
602 Academy Drive
Northbrook, IL 60062

Re: Parcel # 09-21-483-012
Common Location: 5211 Cleveland Drive, McHenry, IL 60050
NRI# L24-104-4660
Zoning Change: R-1 to R-1 Variance

Dear Mr. Venamore:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for a Natural Resource Information Report on the Andrew Venamore, Heartland Garage Builders property as applied for in Report #L24-104-4660. Due to size of parcel being rezoned and minimal new construction on the site, the SWCD finds that impact to natural resources from the proposed use is minimal for the purposes of the NRI report. A full Natural Resource Information Report will not be necessary, but we would like to highlight a few resources on the property.

Office maps indicate the presence of hydric soils in the northern area 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 that the southern area of the parcel is within the 100-year floodplain (see attached FEMA Floodplain Locations Map). If additional construction is to occur it is recommended that you contact the McHenry County Department of Planning & Development for possible permitting requirements.

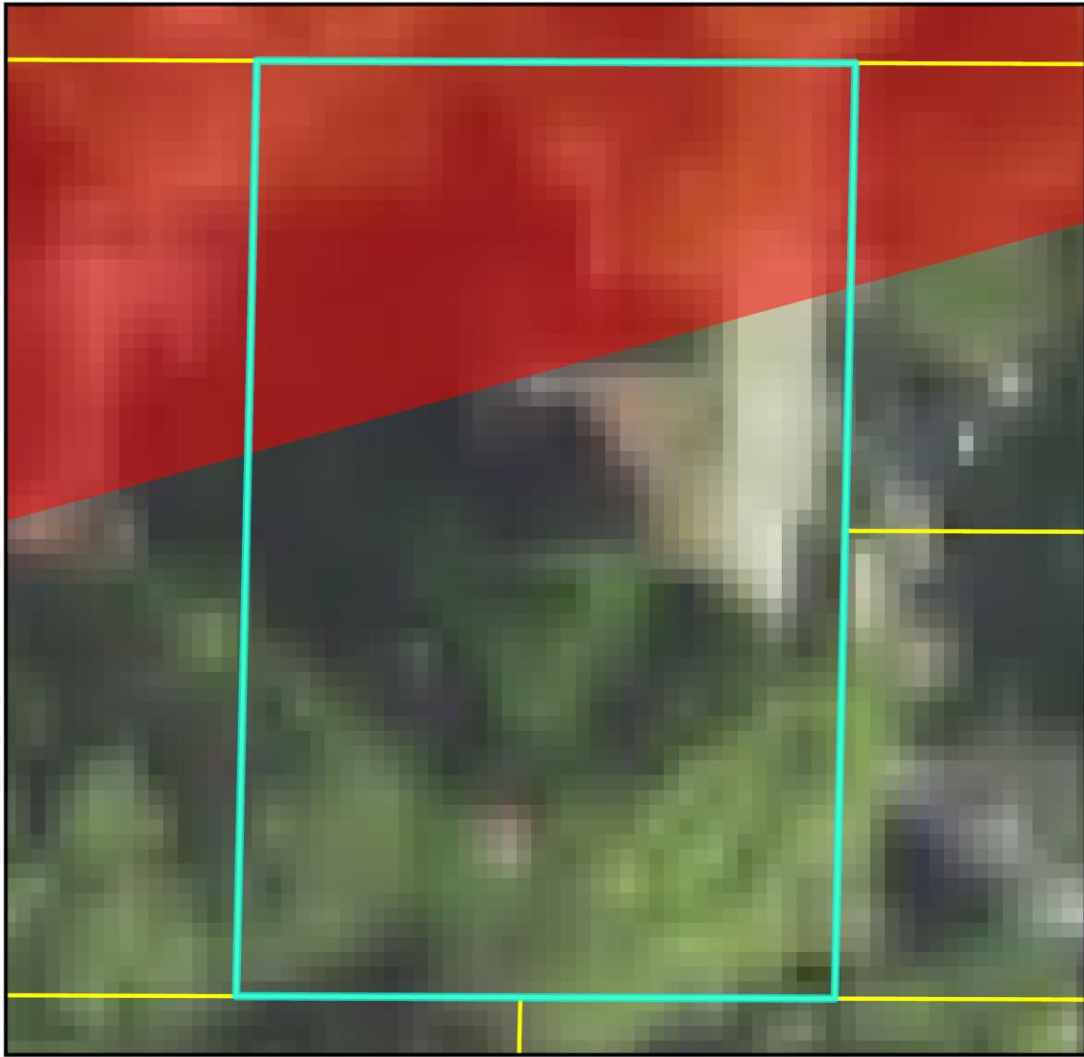
This letter fulfills your requirement to notify the SWCD of land use changes as per the Illinois Compiled State Statutes, Chapter 70, Par. 405/1 et seq. Illinois Revised Statutes, Ch. 5, Par 106 et seq. and the McHenry County Stormwater Ordinance. If you have any questions concerning this letter, feel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

Sincerely,

Ryan Bieber
Urban Conservation Specialist

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

Hydric Soil Locations



0 5 10 20 30 40 Feet

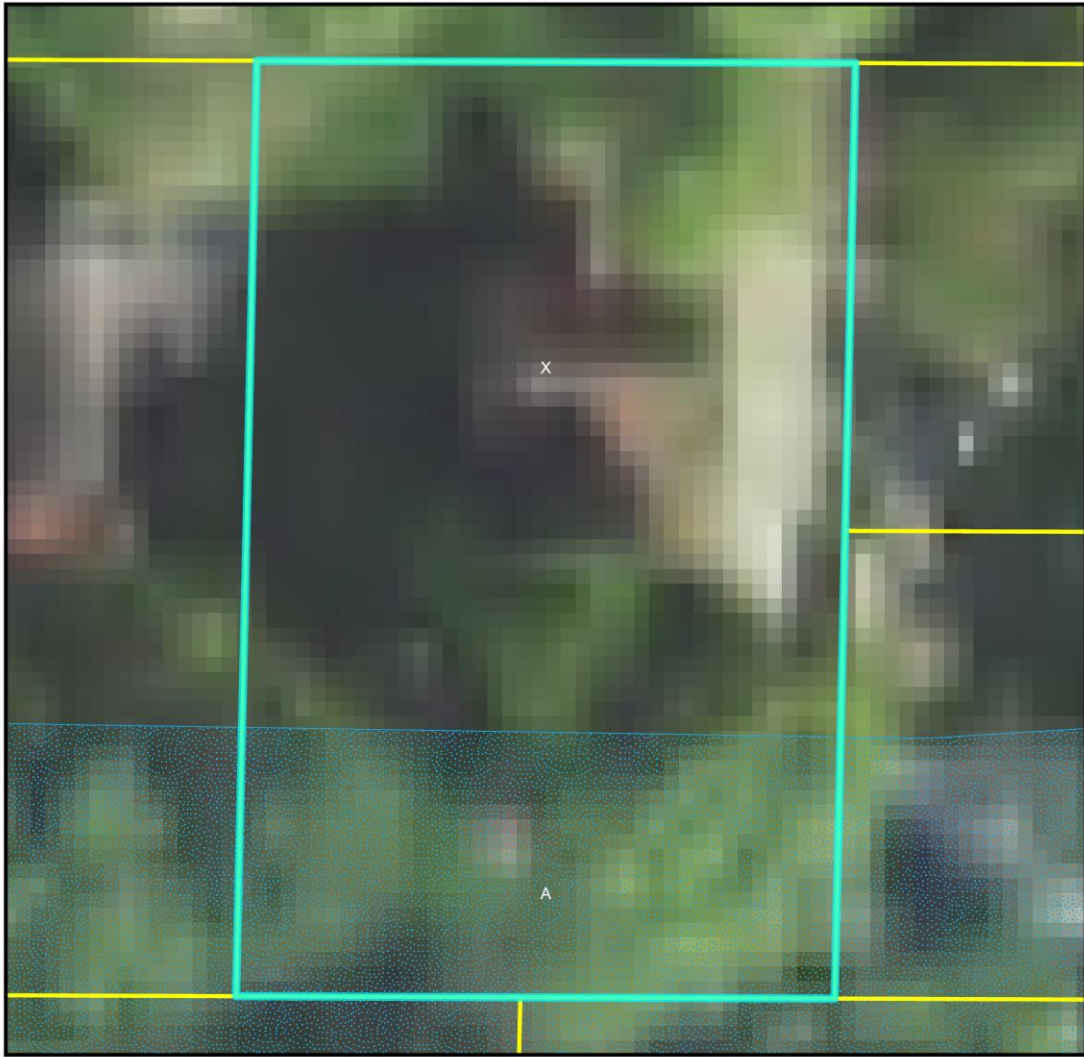
2019 Aerial Photograph
Produced By: McHenry-Lake County Soil & Water Conservation District



Legend

 Hydric Soil

FEMA Floodplain Locations



0 5 10 20 30 40 Feet

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






Legend

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

**HEARING OFFICER REPORT TO THE MCHENRY
COUNTY BOARD IN THE MATTER OF PETITION 2024-075**

1. **Recommendation:** Approve
2. **Applicant:** Jessica R. Wolf, Owner of Record
3. **Request:** *Variation* within the *R-1 Single-Family Residential/LN* district to allow for a setback of one (1) foot from the required five (5) feet from the east side lot line for a detached garage. (*McHenry County Unified Development Ordinance Table 16.52-1: LN Overlay District Bulk & Setback Regulations*)
4. **Location and size of property in question:** The subject property consists of approximately twenty-three one hundredths (0.23) acres and is located on the south side of Cleveland Drive, approximately seven hundred (700) feet east of the intersection of West Cleveland Drive and Beachside Drive. Common address: 5211 Cleveland Drive, McHenry, Illinois, McHenry Township. PIN: 09-21-483-012
5. **Present at hearing:**
Applicants: Jessica Wolf, Owner of Record; Andrew Venamore, Heartland Garage Builders
Michael J. McNerney, Hearing Officer
Anna Kurtzman, County Staff; Kit GearhartSchinske, County Staff
6. **Date, time and location of the hearing:** January 14, 2025 at 11:00a.m., McHenry County Government Center, Ware Road Administration Building, Woodstock, IL 60098.
7. **Items of evidence:**
Official Site Plan, Application to allow variance, Natural Resource Information Report, McHenry-Lake County Soil & Water Conservation District Letter of L24-104-4660, Petitioner's Exhibit 1.
8. **Summary of Testimony at the hearing:**

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

Mr. Venamore introduced himself and the proposed project. He asked Mr. McNerney to accept signed documents from the neighbors approving of the proposed structure into the record. Mr. McNerney entered the documents into the record as Petitioner's Exhibit One (1). Mr. McNerney asked if the proposed structure will impede onto the septic field. Ms. Wolf stated that if the variation is not granted the proposed structure would impede on the septic field.

Mr. McNerney asked how the garage overhang will impact water runoff. Mr. Venamore stated that the garage will have gutters and downspouts that will keep water runoff on the property.

Mr. McNerney asked Staff if they have any concerns regarding the application. Staff stated that they did not.

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

The Hearing Officer found that all 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 Witness has met their burden of establishing the necessary ordinance requirements. Accordingly, it is my recommendation that the petitioners' request be granted.

Respectfully submitted,

/s/ *Michael J. McNerney*

Michael J. McNerney