

IN THE MATTER OF THE APPLICATION OF
IGOR GLUZMAN, OWNER
FOR AN AMENDMENT OF THE UNIFIED DEVELOPMENT
ORDINANCE OF McHENRY COUNTY, ILLINOIS FOR
A CONDITIONAL USE

Z25-0013
(formerly known as 2024-057)

WHEREAS, your Petitioner, ***Igor Gluzman***, as your Applicant, has filed a petition with the McHenry County Zoning Board of Appeals requesting the issuance of a Conditional Use with variances as it relates to the McHenry County Unified Development Ordinance, as it relates to the real property more fully described as:

LOT 22 IN EMERALD PARK AND R.J. SUTTON'S ADDITION THERETO, A SUBDIVISION OF PART OF THE EAST FRACTIONAL HALF OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 44 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 14, 1893 AS DOCUMENT NUMBER 10881 IN BOOK 1 OF PLATS, PAGE 46, IN MCHENRY COUNTY, ILLINOIS.

PIN 14-01-126-021

Commonly known as 313 Emerald Drive, McHenry, Illinois, in Nunda Township.

WHEREAS, the Petition requests no reclassification of the subject property from its present classification which is ***“R-1” Single Family Residential***, but a Conditional Use be granted ***to allow for a Vacation Rental***.

WHEREAS, the subject property consists of approximately ***0.288 acres*** in which no reclassification is contemplated.

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 by a vote of 7 ayes and 0 nays the granting of a Conditional Use to allow for a vacation rental with 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 Official Site Plan dated December 14, 2024.**
- 3. All other federal, state, and local laws shall be met.**

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 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 for a the granting of a Conditional Use to allow for a ***vacation rental with 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 Official Site Plan dated December 14, 2024.***
- 3. All other federal, state, and local laws shall be met.***

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 _____, 2025.

Chairperson, McHenry County Board
McHenry County, Illinois

ATTEST:

County Clerk

NUMBER VOTING AYE: _____

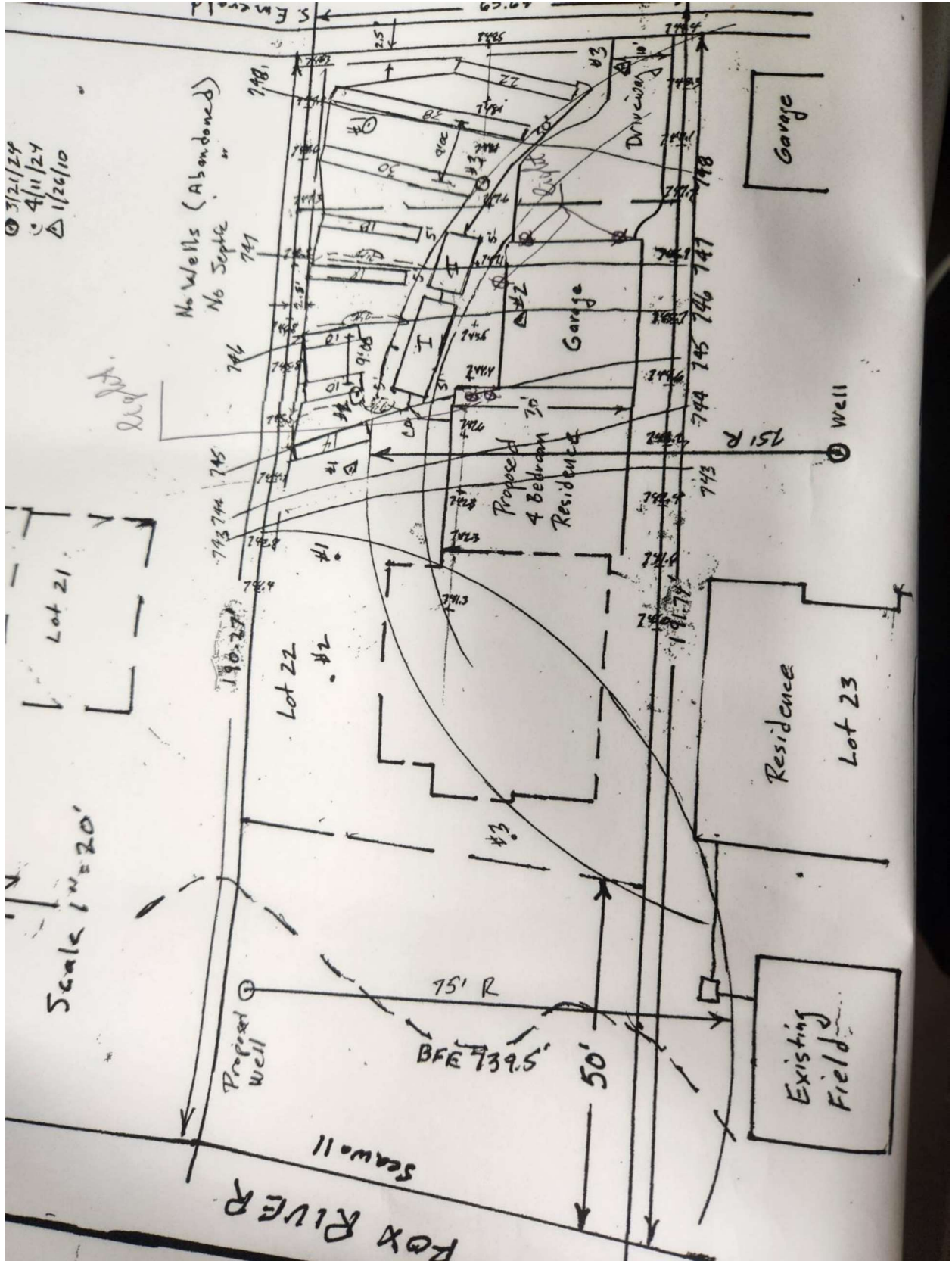
NUMBER VOTING NAY: _____

NUMBER ABSTAINING: _____

NUMBER ABSENT: _____

ATTACHMENT: OFFICIAL SITE PLAN

OFFICIAL SITE PLAN



MCHENRY COUNTY
ZONING BOARD OF APPEALS
MINUTES ● February 6, 2025 and March 13, 2025

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 – Z25-0013
(formerly known as 2024-057)**

- 1. APPLICANT:** Igor Gluzman
- 2. REQUEST:** R-1 Single-Family Residential District to R-1C Single-Family Residential District with Conditional Use Permit for Vacation Rental
- 3. LOCATION AND SIZE OF PROPERTY IN QUESTION:** The 12,547 sq ft lot is located on the west side of Emerald Drive, about nine hundred seventy (970) feet south of Sutton Court, in Nunda Township.
- 4. DATE AND TIME OF HEARING AND VOTING MEETING:** February 6, 2025 and March 13, 2025, 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, Jessica Beverly, William Kurnik, Mary Donner
 - B. Witness: Igor Gluzman, Dan Gluzman, Alina Gulinsky, Maxim Gulinsky
 - C. Public: Anna Kurtzman – County Staff, Kim Scharlow – County Staff, Kit GearhartSchinske – County Staff, John Haydock, Jim Gigl, Mike Nemeth, Susan Weist, J.P. Hough, John Nielson, Joe Klein, Doris Gigl, Steve Skalandis, Bert Irslinger
- 7. ITEMS OF EVIDENCE:** None
- 8. SUMMARY OF TESTIMONY AT HEARING:** Vice-Chair Gartner opened the hearing. The board members introduced themselves. Ms. Gartner introduced the application and swore in the applicants,

Staff and public. Ms. Gartner asked the applicant if they would waive the reading of the petition. Mr. Dan Gluzman stated that he would.

Mr. Igor Gluzman introduced himself. Mr. Dan Gluzman introduced himself and the rest of the applicants and application. Ms. Gartner asked the applicants if they would like to incorporate their written responses to the Approval Standards for Conditional Use as their testimony. Mr. Dan Gluzman stated that they would.

Mr. Kurnik asked the applicant if they would agree to a three (3) year Conditional Use. Mr. Dan Gluzman stated that they would prefer not. Mr. Kurnik asked about the applicants' experience with running a short-term vacation rental unit. Mr. Dan Gluzman stated that they have been using them as customers for years. He stated that he is educating himself and doing his due diligence about running a short-term rental. Mr. Kurnik asked if they are familiar with noise sensors. Mr. Gluzman stated that they are standard in vacation rentals. Mr. Kurnik asked how the applicants would prevent the house from becoming a party house. Ms. Gulinsky stated that they have drafted rules including a minimum age limit to rent, a clause banning parties and breaking that rule would mean that their stay is terminated immediately. Mr. Dan Gluzman stated that they are focusing on a family-friendly rental with a minimum two night stay and a maximum one month stay. Mr. Kurnik asked what the maximum occupancy of the property would be and what the parking capacity would be. Mr. Dan Gluzman stated that it would be eight (8) people which includes children and that the garage holds two (2) cars and the driveway holds four (4) cars.

Ms. Beverly asked if the applicants were aware of their rights and obligations as hosts for Airbnb and VRBO. Mr. Gluzman stated that they were. Ms. Beverly asked if they would be willing to add their rules regarding maximum capacity and minimum age limits as conditions. Mr. Gluzman stated that they would. Ms. Beverly asked how they would manage the property and respond to calls. Mr. Dan Gluzman stated that he and Ms. Gulinsky would handle customer interaction. He stated that his father, a general contractor and Mr. Gulinsky, a licensed plumber, live twenty-five (25) minutes from the house and would handle issues on site.

Mr. Kosin asked if the applicants would bar guests from driving or parking on the septic field in the northeast corner of the property. Mr. Gulinsky stated that they would.

Ms. Gartner asked how many bathrooms there are in the house. Mr. Gulinsky stated that there are four (4) bedrooms and four (4) bathrooms in the home.

Ms. Gartner opened the hearing to questions from the public. Mr. Haydock asked how the applicant would monitor the number of people inside the property. Mr. Gulinsky stated that they have six (6) motion-censored cameras around the property including facing the deck. Mr. Haydock asked how they will handle extra parking. Mr. Dan Gulinsky stated that they have a two (2) car garage and space for four (4) cars outside.

Mr. Nemeth asked the applicant if they own any other vacation homes. Mr. Dan Gluzman stated that they do not.

Ms. Weist asked how they would keep the road from falling apart due to people driving by the site to see if they wanted to rent. Mr. Gulinsky stated that the address is not available to the renter prior to

the booking. Mr. Dan Gluzman stated that the renter books and pays for the site through the app and then the host verifies the renter prior to giving the renter the address. Ms. Weist asked if the applicant will be responsible for the renter if they cause damage to someone else's property. Mr. Gulinsky and Mr. Dan Gluzman stated that they would.

Mr. Hough asked if the applicant would have insurance associated with the rental companies. Mr. Dan Gluzman stated that they have homeowner's insurance and that they will have insurance through Airbnb once they register with them.

Staff gave their report. The subject property is zoned "R-1" Single-Family residential. There is single-family residential zoning to the north and to the south. To the east, that vacant lot is zoned agricultural, and to the west across the river is incorporated. The surrounding land uses include property to the north and to the east that is currently vacant and undeveloped. To the south is the single-family residence and across the river is a governmental facility. The future land use designation for this area is for residential. Staff stated that they are recommending a total of three (3) conditions. The first one is that the conditional use permit shall expire 10 years from the date of approval by the county board. The second one is that the conditional use substantially conform to the official site plan, which is dated December the 14th, of 2024. And that the third item is all other federal, state and local law shall be met.

Ms. Beverly asked Staff if the sheriff would enforce the noise ordinance. Staff stated that that is correct.

Ms. Donner asked Staff if the City of McHenry has objected. Staff stated that they have not received any objections from the city. Mr. Kosin asked if Lakemoor, Holiday Hills or the township have objected. Staff stated that they have not received any correspondence. Mr. Kosin asked if there have been any building violations over the course of construction against the property owner on record. Staff stated that they are not aware of any.

Ms. Gartner opened the hearing to public comment. Mr. Klein stated that he represented the property owner immediately continuous to the north, two property owners, and immediately continuous across the street to the east. He stated that the ten (10) approval standards for conditional use were not met.

Mr. Nelson stated that he has a petition signed by the neighbors in objection to the conditional use. Said petition was not produced or submitted to the board.

Mr. Haydock and Mr. Hough expressed concern over increased traffic, safety and property values.

Ms. Gartner stated that the applicants have the option of proceeding to a vote immediately with the six (6) members who were present, or they could continue the hearing to a date certain with seven (7) board members. She stated that the absent board member would read the transcript prior to the continuation date. Mr. Dan Gluzman asked if there would be any other differences if they continued the hearing. Mr. Eldredge stated that there will not be any further testimony. Mr. Dan Gluzman stated that they would like to continue to a date with a full board.

Ms. Gartner continued the hearing to March 13, 2025 at 1:30PM in the County Board Conference Room.

9. SOIL AND WATER CONSERVATION DISTRICT REPORT:

For further information refer to report number: L24-084-4640.

10. ILLINOIS DEPARTMENT OF NATURAL RESOURCES:

The consultation was not required for this application.

11. SUMMARY OF VOTING MEETING DISCUSSION:

On March 13, 2025, Chair Kooistra opened the hearing. She stated that she was not at the February 6, 2025 hearing date. She stated that she did listen to the previous recording of the hearing date. The board members introduced themselves. Ms. Kooistra closed the testimony portion of the hearing.

Chair Kooistra opened the voting meeting on March 13, 2025 and read the proposed conditions. Mr. Eldredge motioned to accept the conditions as proposed. Ms. Gartner seconded the motion. Motion carried (7-0).

Mr. Eldredge motioned to accept the petition subject to the conditions. Ms. Donner seconded the petition. Mr. Eldredge stated that the site is on a township road with limited access. He stated that the home is in a residential area. The use of the home as a residential space is a matter of right. The conditional use is for short-term rentals. He stated that the standards have been met. He stated that the apps that hosts use have developed a set of rules that deal with the issue of house parties. He stated that as long as the site is appropriately managed, it is an attractive site for a short-term vacation rental.

Ms. Gartner stated that she is comfortable with the minimum three (3) day rental, that there will be a noise sensor and no more than six (6) cars on the lot. She stated that if the property owner decides to sell the lot the conditional use does go with the property.

Mr. Kosin stated that the request for conditional use of a short-term vacation rental is a use permitted by right in the Unified Development Ordinance.

Ms. Beverly stated that the petitioner has presented testimony above and beyond any other requirements that the board could place on the conditional use permit. The use is consistent with what is required by Airbnb and VRBO. She stated that all over the county people are renting their property as short term rentals without coming in for a conditional use. She stated that the fact that they have gone through the conditional use process is indicative of what upstanding owners they will be.

Mr. Kurnik stated that the applicants' testimony regarding safeguards, electronic monitoring and the minimum age requirement on rentals have alleviated his concerns.

Ms. Kooistra stated that the applicants have met the standards of the conditional use request. Motion carried (7-0).

12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:

- The use, for limited periods of time, is permitted by right in the Unified Development Ordinance.
- The Approval Standards for Conditional Use have been met.
- The property is currently zoned “R-1” Single Family Residential.

13. FACTS THAT SUPPORT RECOMMENDING DENIAL OF THE REQUEST:

- None.

14. MOTIONS:

- Mr. Eldredge motioned to accept the conditions as proposed. Ms. Gartner seconded the motion. Motion carried (7-0).
- Mr. Eldredge motioned to accept the petition subject to the conditions. Ms. Donner seconded the petition. Motion carried (7-0).

15. VOTE:

7 – AYES; 0 – NAYS; 0 – ABSTAIN

GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR Approval of the Conditional Use for a vacation rental subject to the 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 Official Site Plan dated December 14, 2024.
3. All other federal, state, and local laws shall be met.

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

Linnea Kooistra:

Call the meeting of the McHenry County Zoning Board of Appeals to order. This hearing is a continuation of the February 6th, 2025 hearing. Today's hearing date, time, and location were announced on the record on February 6th, 2025. Therefore, a notice by publication, certified mail and posting were not required for today's continuation. So at the last hearing, the testimony was all finished. So I will close that hearing portion of the meeting and we will move to the voting portion. I will say I was not here at the last meeting, but I did listen to the whole hearing and so I'm well aware of the testimony and the evidence that was given. So we have some proposed conditions.

Anna Kurtzman:

May we introduce the board first?

Linnea Kooistra:

Oh yes. Thank you. I'll have the board members introduce themselves and the township in which they reside. Starting on my left.

Bob Kosin:

Robert Kosin, Algonquin Township.

Mary Donner:

Mary Donner, Greenwood Township.

Charles Eldredge:

Charlie Eldredge, Richmond Township.

Linnea Kooistra:

I'm Linnea Kooistra in Alden Township.

Vicki Gartner:

Vicki Gartner, Nunda Township.

William Kurnik:

Bill Kurnik, Grafton Township.

Jessica Beverly:

Jessica Beverly, Dorr Township.

Linnea Kooistra:

So we have revised proposed conditions for petition number 2024-057. Now it is called Z25-013. Staff offers the following conditions for consideration: number one, 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 official site plan dated December 14, 2024. And number three, all other federal, state and local laws shall be met. Are there any other proposed conditions? At this time I would entertain a motion to approve the conditions.

Charles Eldredge:

I move acceptance of the conditions as proposed.

Vicki Gartner:

I'll second.

Linnea Kooistra:

It has been moved by Mr. Eldredge, seconded by Ms. Gardner to approve the conditions as presented. Is there any discussion? Then I'll call for the vote. Mr. Eldredge?

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Gardner?

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin?

Bob Kosin:

Yes.

Linnea Kooistra:

Ms. Beverly?

Jessica Beverly:

Yes.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

Yes.

Linnea Kooistra:

Mr. Kurnik?

William Kurnik:

Yes.

Linnea Kooistra:

And I will vote yes. So the conditions are approved seven to zero. At this time, I would entertain-

Charles Eldredge:

Madam Chairman, I move for acceptance of the petition, subject of the conditions.

Mary Donner:

Second.

Linnea Kooistra:

It's been moved by Mr. Eldredge, second by Ms. Donner to approve this petition. Discussion, Mr. Eldredge? I'll give you my mic.

Charles Eldredge:

Thank you Madam Chairman. This is a proposal for a conditional use to permit an Airbnb short-term rental on a vacant lot. Well, what was a vacant lot that as a matter of right, has had a house recently built on it by petitioner this direction. It is adjacent to the Fox River and has river frontage and the road frontage is a small, I believe, township road with limited access.

Until the petitioner built the home, this parcel had been vacant for the past, as far as we are aware. It is in a residential area. The building of the home and use of the home as a home is not an issue of contention. That is a matter of right, and that clearly is appropriate in this location. The conditional use request is for short-term rentals and I believe the standards have been met.

When short-term rentals first appeared in the county. There were a number of serious objections that I thought were quite reasonable. Some people used it for unreasonable levels of partying, for uses and activities that were very disruptive to neighbors and the general area. Since then, just as a matter of good business, the apps that pretty much everybody uses to do their marketing for them and to get their customers has developed a set of rules.

There are two major apps, both very similar, a set of rules that I think quite effectively deal with this issue because it's not in either the owner of these properties interest much less than the neighborhood or the public's interest to have these abuses continue. I believe they have been quite effective and I believe that generally, unless you have a owner who is self-destructively abusive of it, that there's very little problem associated with these.

We've seen certainly some complaints, but we see some complaints about everything everywhere and I frankly would prefer if this owner were someone who had done this multiple times before because they are more practiced in it. This is a new entry into the field. But having said that, that shouldn't be a bar to getting into it if the site is appropriate. I believe as long as it is appropriately managed that this is a perfectly good, as a matter of fact, it's an attractive site because it does have river frontage for a short-term or vacation rental. And for the foregoing reasons, I'm going to support the petition.

Linnea Kooistra:

Ms. Gartner?

Vicki Gartner:

Thank you. Thank you. I agree with Mr. Eldredge, despite the fact that this petitioner has not been in this business before and experienced it, he's actually used this kind of service before, so he knows what would be expected. I feel comfortable in that. I also feel comfortable in the minimum of three days rental on this place, that there will be no more than six cars in the driveway at any one time. There's no swimming off the pier. There's a noise sensor and that you're also advertising through Airbnb and Vrbo and you will be abiding by those rules. So I'm very comfortable with this request. If you decide after a few years you don't

want to do this and you sell this property, the conditional use does go with it, so that would have to be made clear. But all in all, I am in favor of this.

Linnea Kooistra:

Mr. Kosin?

Bob Kosin:

Thank you Madam Chairman. During the course of public testimony, questions were asked of how are such uses regulated in other locations? Being in Algonquin Township specifically to Crystal Lake, that city has chosen to pursue a licensing requirement to which then very little is known or understood or commented by property owners in adjoining areas.

McHenry County, much to its credit, uses a process of public engagement. And through that public engagement, it is expected that items of interest, of concern are brought through the public record. In reliance on that public record and using such and applying such to section 1620.040.0E, I am in favor of this conditional use. Specifically, Emerald Drive is already platted and put to use as a recreational use. In fact, on the survey presented it, this particular lot was created as far back as 1893. Further, this is a conditional use of a use that is permitted by a matter of right. The only distinguishable item that is brought forward in this use is how the property is being owned. Nothing is unique as to the bedrooms. Nothing is unique to the kitchen. Nothing is unique to the garage. The setting on the lot complying with the building code or its proximity to the Fox River, to which then a ownership interest does not seem to rise to the point of being prohibitory to granting this conditional use and therefore I'll be supporting it as presented. Thank you.

Linnea Kooistra:

Mr. Shnobel's not here. Ms. Beverly?

Jessica Beverly:

Thank you. I'm also in support of this petition. I went back and listened to a bunch of the PED County board hearings. This has come up multiple times for staff and various committees as to whether it should be regulated. The petitioners presented testimony that was above and beyond any other requirements that we could possibly put on this conditional use permit. It is consistent with VRBO and Airbnb and it's my understanding that there are a lot of people who are doing this that have not bothered to get a conditional use permit in the first place. So the fact that the petitioners bothered to come in and go through this process is really indicative of what upstanding owners they will be. So I'm in support of this petition.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

I think Ms. Beverly stole my thunder.

Charles Eldredge:

Yeah, your Honor.

Linnea Kooistra:

It's on.

Mary Donner:

Yes. Besides them being owners, it appears they are going to be owners forever as we would all hope. Nobody in that neighborhood is expected to stay there forever. People age out and go to other places and do other things, so we can never figure know exactly what our new neighbors are going to do. I haven't seen anything, especially considering the rules that you've self-imposed are going to be anything but good neighbors. That's as close as I can get on my crystal ball. It's a little fuzzy, but we never know. So I am in favor of this petition.

Linnea Kooistra:

Mr. Kurnik?

William Kurnik:

I join in... Got it. I join in everything that my colleagues have said. I would only add that while this may be their first foray into the VRBO, the testimony that they've provided regarding the safeguards, the electronic monitoring, the age limitation on rental, have alleviated the major concerns I've had regarding operations such as this. So I am also in favor.

Linnea Kooistra:

And as I said, I read the transcript and I understand the rules that they plan to put on this, including how many people can stay there and how many nights and that sort of thing. But we can't hold them to any of that. Our hearing today is just for the zoning, allowing the conditional use. What they do with this, what rules they put on it is nothing that we can control or enforce.

That being said, the fact that you had so many people here that were opposed to you, and I know that I could tell from your testimony that you really want this to be good. I think the more rules that you impose, I looked at some other Airbnbs that are along the Fox River in that area, and they all have no parties on them and I think that that's really a good thing for you to impose. But as far as this hearing, we are just looking at zoning and the conditional use request. And I think that they have met the standards for the conditional use request. And I agree with my colleagues and their testimony regarding that fact. So I will be in favor of this petition as well. So I will call for the vote. Mr. Eldredge?

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Gartner?

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin?

Bob Kosin:

Yes.

Linnea Kooistra:

Ms. Beverly?

Jessica Beverly:

Yes.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

Yes.

Linnea Kooistra:

Mr. Kurnik?

William Kurnik:

Yes.

Linnea Kooistra:

And I will vote yes. So this will go to the county board with a seven to zero vote approving. At this at this time, the hearing is closed.

Staff Report for the McHenry County Zoning Board of Appeals

Application: #2024-057

PIN: 14-01-126-021

Address: 313 Emerald Drive, McHenry

Applicant: Igor Gluzman

Hearing: February 6, 2025

Request: R-1 Single-Family Residential District to R-1C Single-Family Residential District with Conditional Use Permit for Vacation Rental

Location: The 12,547 sq ft lot is located on the west side of Emerald Drive, about nine hundred seventy (970) feet south of Sutton Court, in Nunda Township.

Aerial Map

Subject Property

Prepared by McHenry County Department of Planning and Development (photo: 2022)

Please note: This map is for reference purposes only. Please see the Plat of Survey for exact dimensions and location of the EIR.

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

Feet 10 5 0 10 20
1 inch equals 26.65 feet



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 Conditional Use Permit to establish a Vacation Rental on their property at 313 Emerald Drive, McHenry. A building permit for a single-family residence was issued on July 15, 2024. Due to weather conditions site improvements have not been able to be completed. As a result, a Temporary Certificate of Occupancy was issued January 7, 2026, with an expected completion date of May 1, 2025.

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).
- The applicant must meet the Principal Use Standards of Section 16.56.30VV – Vacation Rental.

STAFF ANALYSIS

Current Land Use & Zoning

The 12,547 square foot subject property is zoned R-1 Single-Family Residential. A house is presently being constructed on the property.

Properties to the east are zoned A-1 Agriculture and are undeveloped. Properties to the north and south are zoned R-1 Single-Family Residential. The property immediately to the south has a single-family residence. The property to the north is undeveloped. The Fox River abuts the western side of the western property. The City of McHenry owns the property along the western bank of the Fox River.

2030 Comprehensive Plan Future Land Use Map

The 2030 Comprehensive Plan Future Land Use Map designates this property, and the surrounding ones, as **Residential**. The property across the river is designated as an 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 natural and water resources on the site and the proximity to other development. *(See comments below)*

McHenry County 2030 and Beyond, Adopted October 18, 2016

Big Idea #1 Let's make our communities healthy, active, and green

"We can make it happen by promoting development that is compact, contiguous to, or located within municipalities in order to preserve rural landscapes while providing greater mobility choice for all residents." (p.12)

- The subject property is being developed in a developed area which is adjacent to the City of McHenry.

Big Idea #2 Let's build on our strengths

- No applicable text.

Big Idea #3 Let's grow smarter

"We can make it happen by focusing development that is compact, contiguous to, or located within municipalities, and away from areas designated for agriculture and lacking infrastructure and services." (p. 16)

- The site is already being developed and is adjacent to the City of McHenry.

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 applicant has indicated that he does not intend to reside at this location but rather, will use the site solely for vacation rentals.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

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

- The proposed use of this site is near to areas which are already developed.

Agricultural Resources

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

- There are no agricultural activities currently occurring on the subject property.

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. Given the size of the property, they determined that a full report is not necessary. They do note the presence of a floodplain adjacent to the river. Please refer to NRI L24-084-4640 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 property is located within the Sensitive Aquifer Recharge Area (SARA).

Economic Development

No applicable text.

Infrastructure

No applicable text.

Land Use

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

- The proposed use of this site is near to areas which are already developed.

STAFF ASSESSMENT

The McHenry County 2030 Future Land Use Map designates this area as developing with Residential uses. The site is already being developed with a single-family house. Given the proximity to other development in the area and the fact that the subject property is adjacent to the City of McHenry, the property meets the 2030 Comprehensive Plan and its companion document, 2030 and Beyond's, policies related to compact development.

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 Official Site Plan dated October 23, 2024.
3. All other federal, state, and local laws shall be met.

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.

McHenry County Unified Development Ordinance Section 16.56.030VV

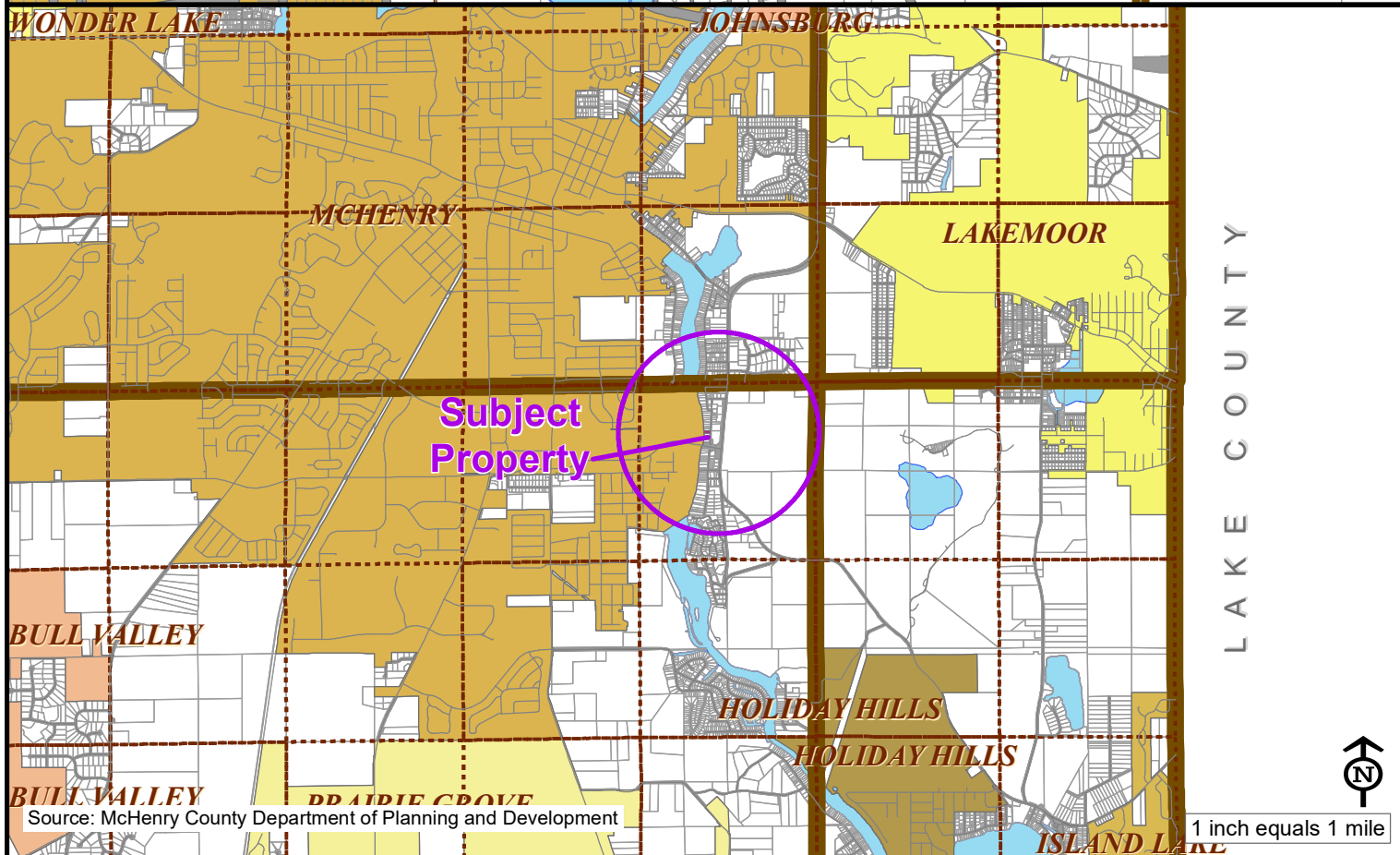
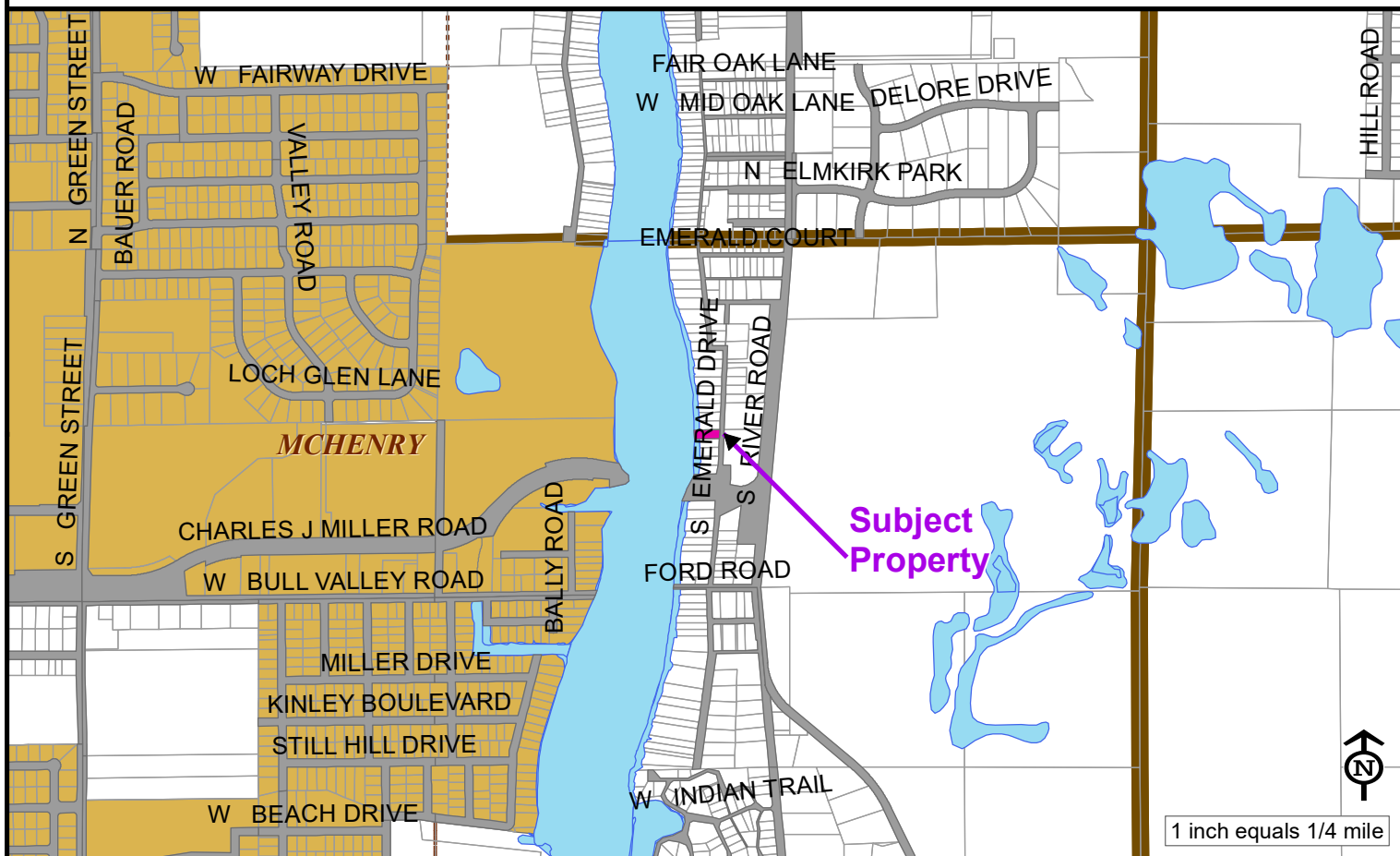
VV. *Vacation Rental.*

Dwelling units, or portions thereof, that are offered as vacation rentals for more than twelve (12) rentals per calendar year or more than ninety (90) days per calendar year shall obtain a conditional use permit prior to occupancy.

Location Map

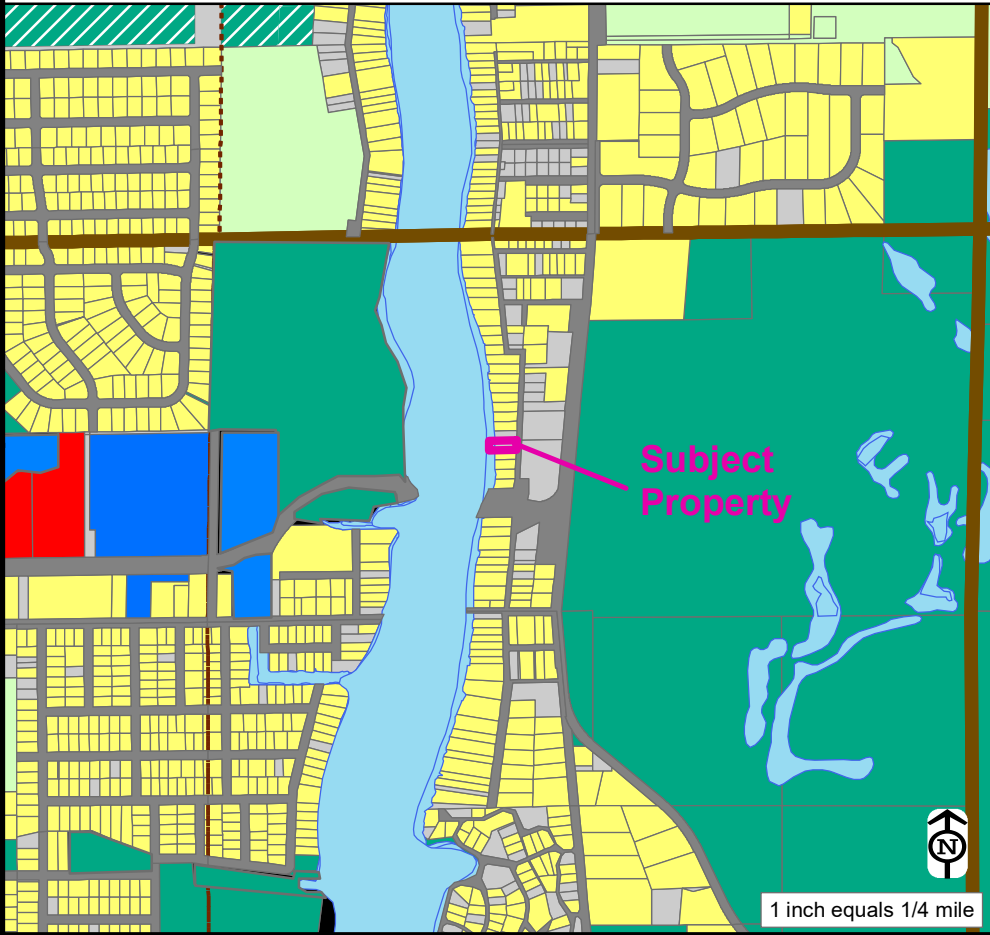
313 Emerald Drive, McHenry, Illinois

Nunda Township



Source: McHenry County Department of Planning and Development

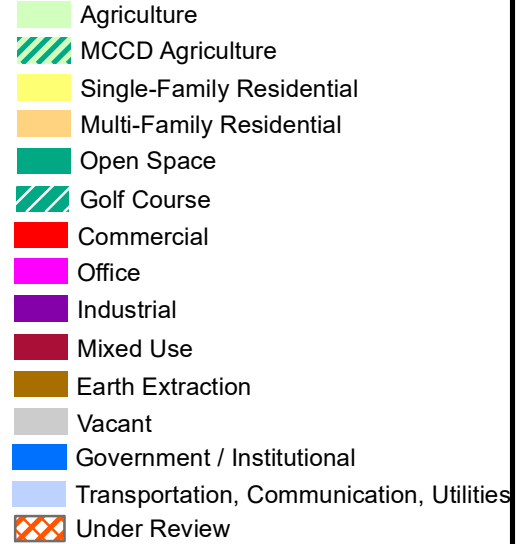
Current Land Use Map



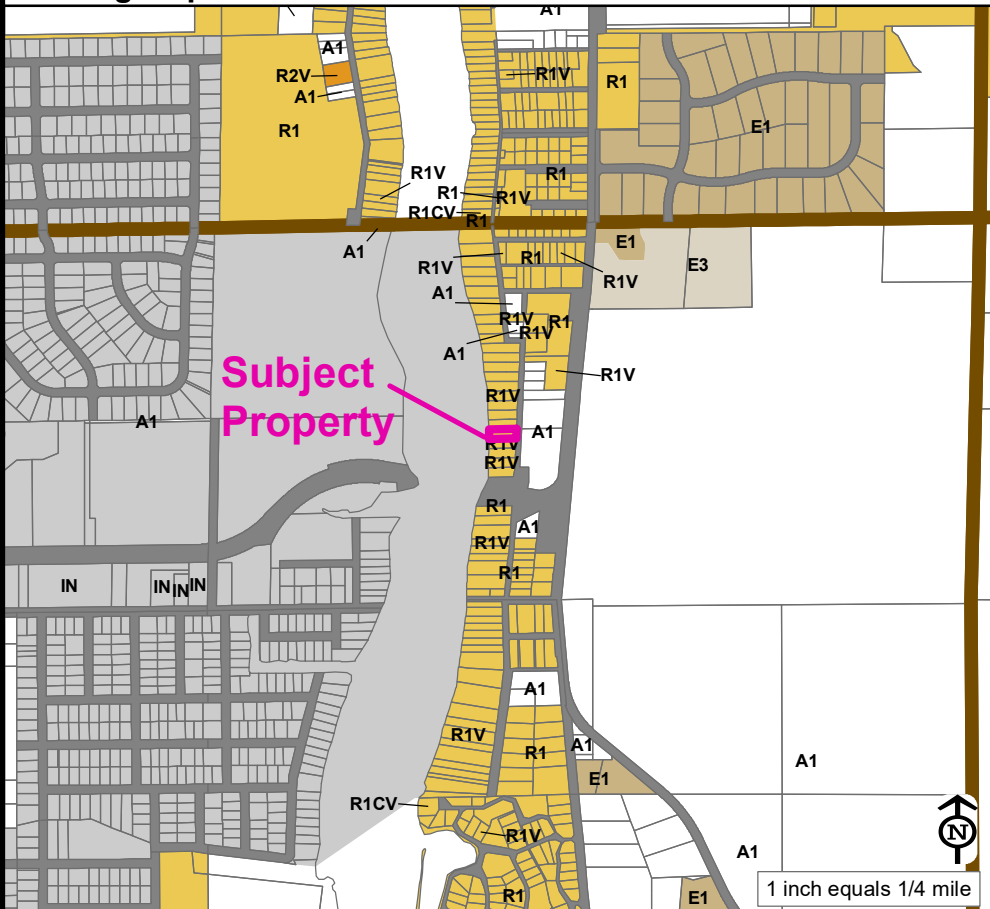
Current Land Use
Single-Family Residential

Adjacent Land Use(s)

North: Vacant
South: Single-Family Residential
East: Vacant
West: River/Governmental/Institutional



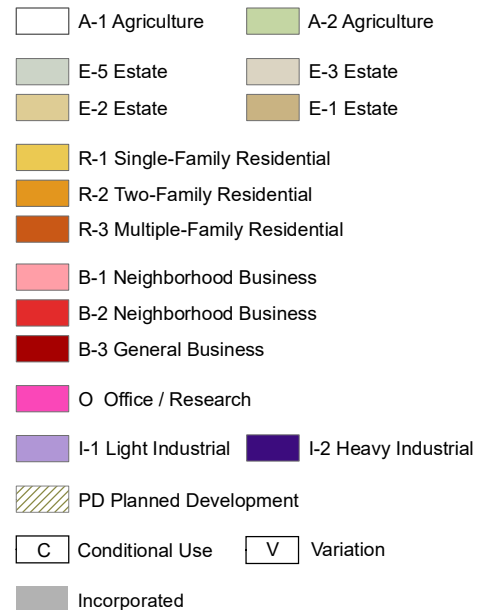
Zoning Map



Current Zoning
R-1 Single-Family Residential

Adjacent Zoning

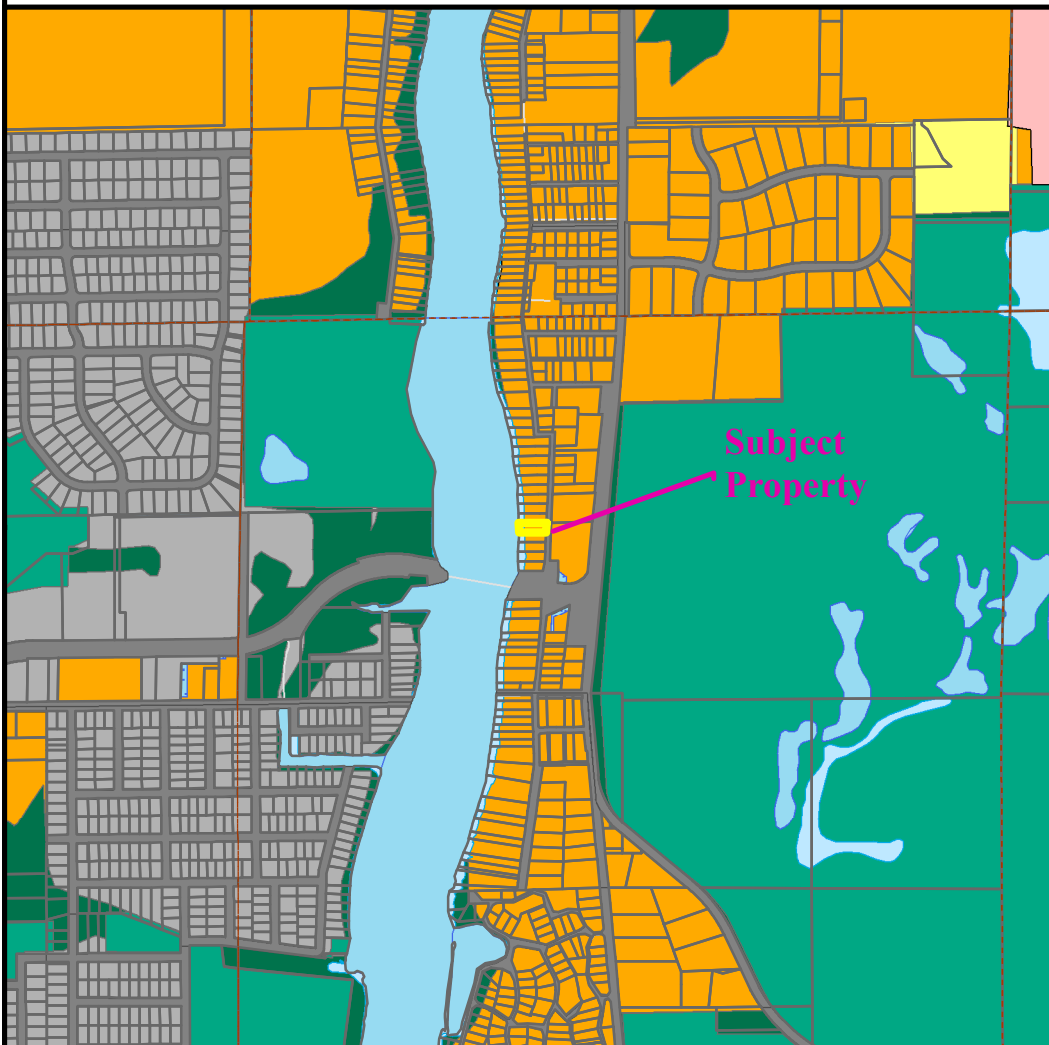
North: R-1 Single-Family Residential
South: R-1 Single-Family Residential
East: A-1 Agriculture
West: Incorporated



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
 - X

 Active Earth Extraction Site
 - Municipality
- Scale: 1 inch = 1/4 mile



Municipal / Township Plan Designations

City of McHenry: Medium Density Residential Village of Holiday Hills: N/A
Village of Lakemoor: Neighborhood Residential
Dorr Township: Existing Development as of May 2003

McHenry County 2030 Comprehensive Plan -Text Analysis

Land Use

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

Sensitive Aquifer Recharge Areas

The site is located in a zone with moderate 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

September 25, 2024

Igor Gluzman
1100 Pheasant Dridge Drive
Lake Zurich, IL 60047

<u>Re:</u>	Parcel # 14-01-126-021
<u>Common Location:</u>	313 S. Emerald Drive, McHenry, 60051
<u>NRI#</u>	L24-084-4640
<u>Zoning Change:</u>	R1 to R1 CUP

Dear Mr. Gluzman:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for a Natural Resource Information Report on the Igor Gluzman property as applied for in Report #L24-084-4640. Due to size of parcel being rezoned and minimal or no 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.

The FEMA Flood Insurance Rate Map (Panel 17111C0209J) indicates Zone AE, 100-year floodplain with a base flood elevation of 739 feet due to the Fox River on the western edge of the parcel (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

FEMA Floodplain Locations



0 10 20 40 60 80 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

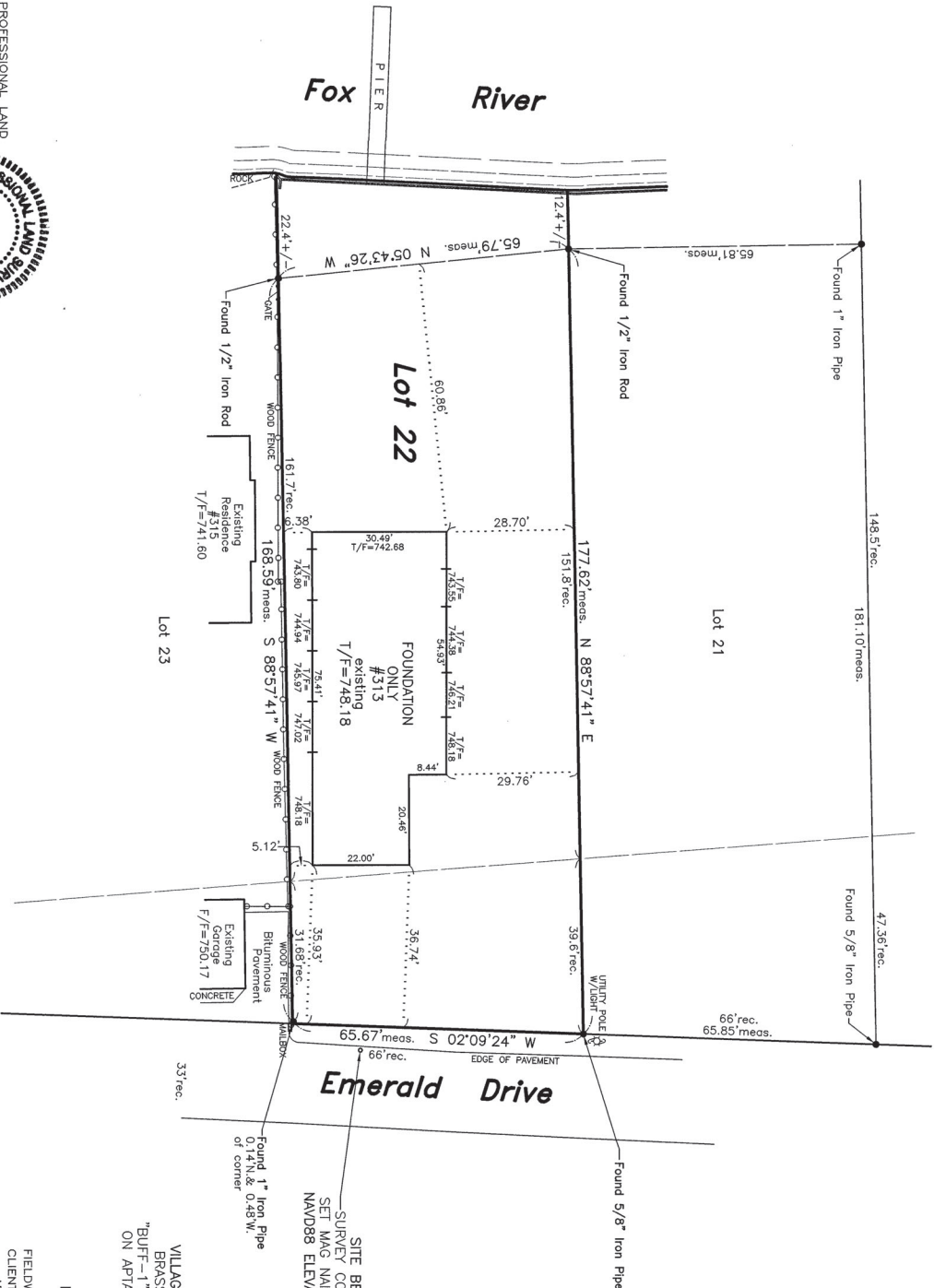
-  100 yr with base flood elevations determined
-  100 yr with 1-3 ft. flood depths
-  100 yr usually sheet flow

Resources for the Future

PLAT OF SURVEY

LOT 22 IN EMERALD PARK AND R.J. SUTTON'S ADDITION THERETO, A SUBDIVISION OF PART OF THE EAST FRACTIONAL HALF OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 44 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 14, 1893 AS DOCUMENT NUMBER 10881 IN BOOK 1 OF PLATS, PAGE 46, IN MCHEENRY COUNTY, ILLINOIS.

THE PREMISES COMMONLY KNOWN AS:
313 N. EMERALD DRIVE, MCHEENRY, IL
PARCEL AREA = 12,547 S.F. +/-
(TO WATERS' EDGE)
PIN: 14-01-126-021



SITE BENCHMARK
SURVEY CONTROL POINT
SET MAG NAIL IN PAVEMENT
NAVD88 ELEVATION = 749.24

SOURCE BENCHMARK
VILLAGE OF WHEELING BENCHMARK: BM-2
BRASS DISK, STAMPED: USACODE STATION
"BUFF-T", 1999 ON THE NORTHWEST HEADWALL
ON APTAKASIC ROAD, APPROXIMATELY 60 FEET
SOUTH OF MCHEENRY ROAD
NORTHING: 11998149.953
EASTING: 1086158.598
NAVD88 ELEVATION = 669.634

FIELDWORK COMPLETED: 08-09-2024
CLIENT NAME: DB Design Group
ADDRESS: 20602 N. Milwaukee Avenue
Desfield, IL 60015

NOTES:
PLAT IS VOID if the Impressed Surveyors Seal does not appear.
Only those Building Lines or Easements shown on a Recorded
Subdivision Plat or from a Recorded Document are shown
hereon; check local ordinances before building.
Compare your description and site markings with this plat AT
ONCE report any discrepancies which you may find.

R.E. ALLEN AND ASSOCIATES, LTD.

PROFESSIONAL LAND SURVEYORS
1015 N. CORPORATE CIRCLE, SUITE C
GRAYS LAKE, ILLINOIS 60030
PHONE: 847-223-0914 FAX: 847-223-0980



STATE OF ILLINOIS
COUNTY OF LAKE S.S.
I, BRYAN J. LEE, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND STAKED THE LAND SO DESCRIBED IN THE FOREGOING AND THAT THE SURVEY SHOWN HEREON WAS CONDUCTED BY ME OR UNDER MY DIRECTION AND THE PLAT DRAWN HEREON IS A CORRECT REPRESENTATION OF SAID SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
DATED AT GRAYS LAKE, ILLINOIS THIS 11TH DAY OF APRIL, A.D. 20 24.

ILLINOIS PROFESSIONAL LAND SURVEYOR 35-3616
MY LICENSE EXPIRES 11-30-24
PROFESSIONAL DESIGN FIRM NO. 184-002732

FOUNDATION LOCATED 08-15-2024 B.J.L.

Scale: 1" = 20'
FILE NO. 55-24
F5524.DWG

OFFICIAL SITE PLAN

