

IN THE MATTER OF THE APPLICATION OF	)	
<b>JOHNSON HILL FARMS LLC, APPLICANT</b>	)	
FOR AN AMENDMENT OF THE UNIFIED DEVELOPMENT	)	Z25-0017
ORDINANCE OF McHENRY COUNTY, ILLINOIS FOR	)	
<b>A RENEWAL AND CONDITIONAL USE</b>	)	

WHEREAS, your Petitioner, **Johnson Hill Farms, LLC**, 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:

**PARCEL 1:**  
*The West 332 feet of the East 996 feet of the West Half of the South Half of the Southeast Quarter of Section 30, Township 44 North, Range 7 East of the Third Principal Meridian, in McHenry County, Illinois.*

**PARCEL2:**  
*The West 332 feet of the East 664 feet of the West Half of the South Half of the Southeast Quarter of Section 30, Township 44 North, Range 7 East of the Third Principal Meridian, in McHenry County, Illinois.*

**PINs 13-30-400-010 and 13-30-400-011**  
*Commonly known as 13503 Illinois Route 176, Woodstock, Illinois, in Dorr Township.*

WHEREAS, the Petition requests no reclassification of the subject property from its present classification which is **"A-1" Agriculture District with a Conditional Use**, but a **renewal of CONDITIONAL USE PERMIT 2014-022 of the subject property to allow for a landscape business with outdoor storage and a conditional use for a future garden center.**

WHEREAS, the subject property consists of approximately **20 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 landscape business with outdoor storage and a conditional use for a future garden center with the following conditions:**

- 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 attached Site Plan prepared by Civil Engineering and Land Surveying Services. However, nothing shall limit the construction of agricultural structures on the property.***
- 3. *The operation of the landscape business shall meet the standards of Section 16.56.030.Z of the Unified Development Ordinance.***
- 4. *Any storage of de-icing agents shall conform to the standards of Section 16.56.050.E of the McHenry County Unified Development Code.***
- 5. *The outdoor storage of any commercial vehicles and equipment and outdoor sales and displays shall meet the standards of Section 16.56.050K of the Unified Development Ordinance.***
- 6. *The storage of any chemical fertilizers, herbicides, or insecticides shall be limited to an inside enclosed structure.***
- 7. *If any structure, or part thereof, within the Conditional Use Permit area is used for business and not for a strictly agricultural purpose, then said structure or portion thereof shall meet the applicable building codes and obtain all required permits for such a use.***
- 8. *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 landscape business with outdoor storage and a conditional use for a garden center 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 attached Site Plan prepared by Civil Engineering and Land Surveying Services. However, nothing shall limit the construction of agricultural structures on the property.***
- 3. *The operation of the landscape business shall meet the standards of Section 16.56.030.Z of the Unified Development Ordinance.***

- 4. Any storage of de-icing agents shall conform to the standards of Section 16.56.050.E of the McHenry County Unified Development Code.**
- 5. The outdoor storage of any commercial vehicles and equipment and outdoor sales and displays shall meet the standards of Section 16.56.050K of the Unified Development Ordinance.**
- 6. The storage of any chemical fertilizers, herbicides, or insecticides shall be limited to an inside enclosed structure.**
- 7. If any structure, or part thereof, within the Conditional Use Permit area is used for the business and not for a strictly agricultural purpose, then said structure or portion thereof shall meet the applicable building codes and obtain all required permits for such a use.**
- 8. 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



SPECIAL NOTE:  
THIS DESIGN IS NOT FOR CONSTRUCTION  
UNLESS APPROVAL STAMP FROM  
COUNTY, VILLAGE, OR CITY REGULATORY  
DEPARTMENT IS AFFIXED HERETO

# FINAL ENGINEERING PLANS FOR

OFFICIAL SITE PLAN

## JOHNSON HILL FARMS

13503 ROUTE 176  
WOODSTOCK, ILLINOIS

### LEGAL DESCRIPTION

PARCEL 1 - THE WEST 332.0 FEET OF THE EAST 996.0 FEET OF THE WEST HALF OF THE SOUTH HALF OF SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN IN MCHEERY COUNTY, ILLINOIS.  
PARCEL 2 - THE WEST 332.0 FEET OF THE EAST 664.0 FEET OF THE WEST HALF OF THE SOUTH HALF OF SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN IN MCHEERY COUNTY, ILLINOIS.

LINE LEGEND	
PROV. - PROPOSED IMPROVEMENTS	EX - EXISTING
1. STORM MANHOLE	2. STORM MANHOLE
3. CATCH BASIN	4. CATCH BASIN
5. INLET	6. INLET
7. CURB STORM MANHOLE	8. CURB STORM MANHOLE
9. CURB CATCH BASIN	10. CURB CATCH BASIN
11. CURB INLET	12. CURB INLET
13. WATER VALVE	14. WATER VALVE
15. WATER VALVE	16. WATER VALVE
17. HYDRANT	18. HYDRANT
19. SANITARY MANHOLE	20. SANITARY MANHOLE
21. SANITARY CLEAN-OUT	22. SANITARY CLEAN-OUT
23. ADJUSTING TANK	24. ADJUSTING TANK
25. LIFT STATION	26. LIFT STATION
27. SEPTIC TANK	28. SEPTIC TANK
29. WELL	30. WELL
31. BOREHOLE	32. BOREHOLE
33. AIR CONDITIONER	34. AIR CONDITIONER
35. ELECTRIC METER	36. ELECTRIC METER
37. GAS METER	38. GAS METER
39. UTILITY BOX	40. UTILITY BOX
41. TRANSFORMER	42. TRANSFORMER
43. LIFT PUMP	44. LIFT PUMP
45. UTILITY POLE	46. UTILITY POLE
47. CITY WIRE	48. CITY WIRE
49. MAILBOX	50. MAILBOX
51. STEEL POST	52. STEEL POST
53. SET INFORMATION	54. SET INFORMATION
55. FOUR CHILLED CUBES	56. FOUR CHILLED CUBES
57. EXISTING WEL	58. EXISTING WEL
59. COVERED WEL	60. COVERED WEL
61. SLOPE DEL. BOUND	62. SLOPE DEL. BOUND

OWNER:  
JOHNSON HILL FARMS  
ATTENTION: MR. BRENT JOHNSON  
13503 ROUTE 176  
WOODSTOCK, ILLINOIS 60098  
847-878-8227

### PREPARED BY:

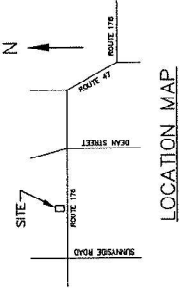
and  
Technology, Inc.  
CIVIL ENGINEERING SERVICES  
ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-001331  
3922 W. MAIN ST. MCHEERY, IL. 60050  
(815) 363-9200 FAX (815) 363-9223  
JONATHAN M. JACOBS, P.E.

THESE PLANS ARE ONLY VALID IF THEY CONTAIN THE SEAL AND SIGNATURE  
OF THE ENGINEER ON THE TITLE PAGE OF A BOUND SET.

ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO GOVERNMENT STANDARDS. ALL COST  
ESTIMATES SHALL INCLUDE ALL MATERIALS AND LABOR NECESSARY TO MEET GOVERNMENT  
STANDARDS TO COMPLETE THESE IMPROVEMENTS.

ALL CONSTRUCTION TO BE DONE IN ACCORDANCE WITH THE ILLINOIS  
DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD  
AND BRIDGE CONSTRUCTION, DATED JAN. 1, 2007 OR MOST CURRENT ADDITION.

ALL EXCAVATION SPOILS TO REMAIN ON SITE.



### INDEX

SHEET NO.	DESCRIPTION
1.)	TITLE SHEET
2.)	SITE PLAN - NORTH
3.)	SITE PLAN - SOUTH
4.)	SITE PLAN - ACCESS (IDOT)
5.)	DETAILS
6.)	NOTES
7.)	SIGHT DISTANCE STUDY (IDOT)

SITE DATA  
SITE AREA = NET 19.47 ACRES  
EXISTING IMPERVIOUS = 0.47 ACRES  
REMOVED EXISTING IMPERVIOUS = 0.08 ACRES  
PROPOSED IMPERVIOUS = 1.67 ACRES  
TOTAL COMBINED IMPERVIOUS AREA = 2.08 ACRES  
TOTAL DISTURBED AREA = 4.95 ACRES

### DRAINAGE STATEMENT

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE  
CHANGED BY THE CONSTRUCTION OF THIS DEVELOPMENT OR ANY PART THEREOF. OR THAT IF DRAINAGE  
WILL BE CHANGED, REASONABLE PROVISIONS HAVE BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH  
SURFACE WATERS INTO PUBLIC AREAS OR DRAINS APPROVED FOR SUCH USE BY THE ACCEPTED ENGINEERING  
PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO ADJOINING PROPERTIES BECAUSE OF THE  
CONSTRUCTION OF THIS DEVELOPMENT.

REGISTERED PROFESSIONAL ENGINEER

OWNER OR OWNER'S DULY AUTHORIZED AGENT

and  
Technology, Inc.  
3922 W. MAIN STREET, MCHEERY, IL. 60050  
P. (815) 363-9200 F. (815) 363-9223  
E. LANDSCAPE@ANDTECHNOLOGY.COM  
ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-001331  
ALL LEGAL RIGHTS RESERVED.

JULIE  
Call (815) 363-9200  
1-800-682-0123

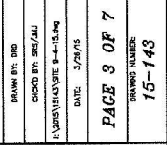
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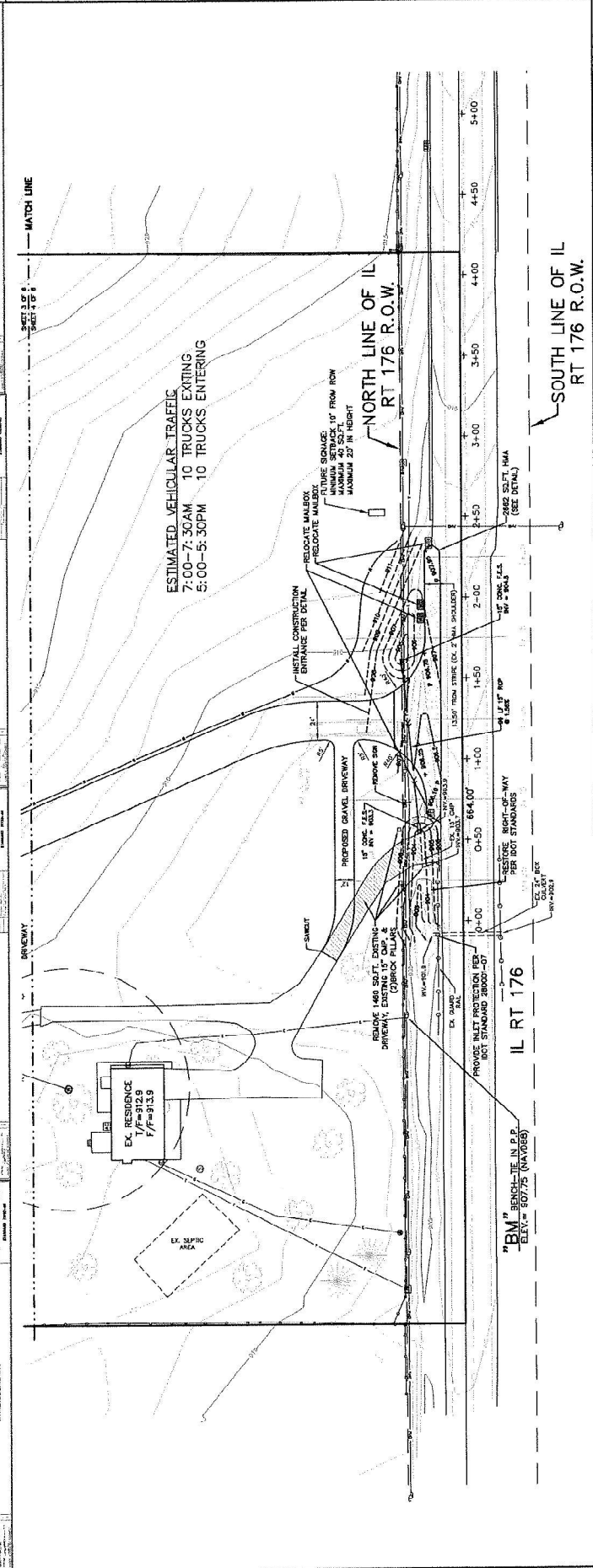
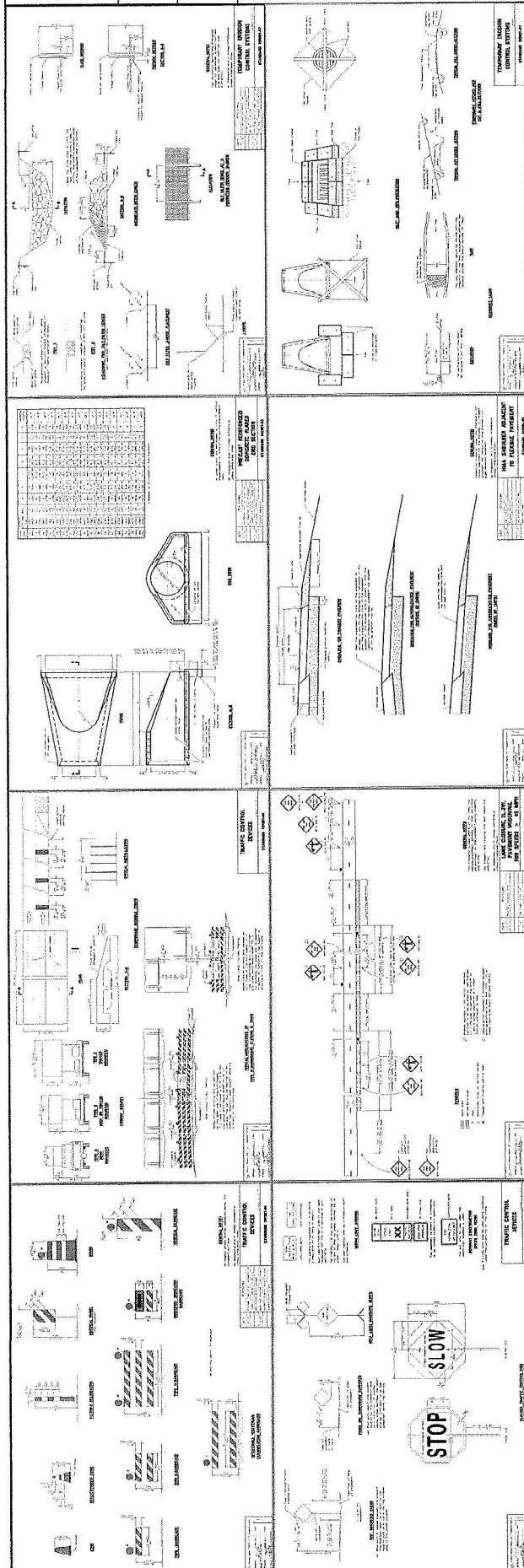
13503 ROUTE 176, WOODSTOCK  
UNINCORPORATED MCHEERY COUNTY  
PIN: 13-50-400-010 & 13-50-400-011  
CLIENT: JOHNSON

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DRAWING NUMBER  
15-143













**MCHENRY COUNTY**  
**ZONING BOARD OF APPEALS**  
**MINUTES ● February 27, 2025**

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**Zoning Hearing**

**County Board Conference Room**

**1:30 PM**

**667 Ware Rd, Woodstock, IL 60098**

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**ZONING BOARD OF APPEALS REPORT TO THE MCHENRY COUNTY BOARD – Z25-0017  
(formerly known as 2024-067)**

- 1. APPLICANT:** Johnson Hill Farms, LLC
- 2. REQUEST:** A-1C to A-1C, Renewal of Conditional Use Permit 2014-022 allowing for a Landscape Business with Outdoor Storage and a future Garden Center
- 3. LOCATION AND SIZE OF PROPERTY IN QUESTION:** The twenty (20) acre parcel is on the north side of Illinois Route 176, approximately three thousand two hundred seventy (3,270) feet west of the intersection of Illinois Route 176 and Dean Street in Dorr Twp.
- 4. DATE AND TIME OF HEARING AND VOTING MEETING:** February 27, 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, Kurt Schnable, Jessica Beverly, Mary Donner
  - B. Witness: Brent Johnson
  - C. Public: Anna Kurtzman – County Staff, Kit GearhartSchinske – County Staff, John Andersen and Maxine Andersen
- 7. ITEMS OF EVIDENCE:** None
- 8. SUMMARY OF TESTIMONY AT HEARING:** Chair Kooistra opened the hearing. The board members introduced themselves. Ms. Kooistra introduced the application and swore in the applicant and Staff. Mr. Johnson introduced himself and his application. He stated that he applied for his

original conditional use ten (10) years ago for a landscape business with outdoor storage and a future garden center. He stated that the future garden center was not established, and he does not have immediate plans to establish a garden center. Mr. Johnson stated that he has not made changes to the use or site plan since the original conditional use was granted. Ms. Kooistra asked if Mr. Johnson would like to incorporate his written responses to the Standards for Conditional Use as testimony. Mr. Johnson stated that he would.

Staff gave their report. Staff stated that the property is currently zoned "A-1" Agriculture with a Conditional Use for landscaping business with outdoor storage and a future garden center. The surrounding zoning is "A-1" Agriculture. There are some "A-1" Agriculture with Conditional Use parcels in the area. Many of them are landscape businesses. Surrounding land uses are a mixture of agriculture and single-family homes. Future land uses include open space on the north side of Illinois Route 176 due to environmental factors associated with a river to the north, and Estate zoning on the South side of Illinois Route 176. Staff stated that the proposed conditions remain the same as originally granted ten (10) years ago.

Mr. Eldredge asked Staff if there have been any complaints regarding the business. Staff stated that they are not aware of any. Mr. Eldredge asked if any municipalities have commented. Staff stated that they did not receive any comments.

Ms. Kooistra closed the testimony portion of the hearing.

**9. SOIL AND WATER CONSERVATION DISTRICT REPORT:**

For further information refer to report number: L24-093-4649.

**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. Mr. Eldredge motioned to accept the conditions as submitted. Ms. Gartner seconded the motion. Motion carried (7-0).

Mr. Eldredge motioned to accept the petition subject to the conditions. Ms. Donner seconded the motion. Mr. Eldredge stated that he presided on the original conditional use request ten (10) years ago. He stated that the property fits in very well with the area. He stated that landscape businesses are quite common within the county. He stated that this is a well maintained facility. He stated that because it is headed by a landscape architect that it has more flexibility to service the county. He stated that all standards have been met.

Board members were all in agreement. Motion carried (7-0).

**12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:**

- The property is currently zoned “A-1” Agriculture with a Conditional Use for the landscaping and a future garden center.
- The surrounding zoning is “A-1” Agriculture and “A-1” Agriculture with a Conditional Use.
- There are other landscape businesses in the area.
- Surrounding land uses are a mixture of agriculture and single-family homes.
- Future land uses include open space and residential.

**13. FACTS THAT SUPPORT RECOMMENDING DENIAL OF THE REQUEST:** None.

**14. MOTIONS:** Mr. Eldredge motioned to accept the conditions as submitted. Ms. Gartner seconded the motion. Motion carried (7-0). Mr. Eldredge motioned to accept the petition subject to the conditions. Ms. Donner 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 Conditional Use 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 attached Site Plan prepared by Civil Engineering and Land Surveying Services. However, nothing shall limit the construction of agricultural structures on the property.*
3. *The operation of the landscape business shall meet the standards of Section 16.56.030.Z of the Unified Development Ordinance.*
4. *Any storage of de-icing agents shall conform to the standards of Section 16.56.050.E of the McHenry County Unified Development Code.*
5. *The outdoor storage of any commercial vehicles and equipment and outdoor sales and displays shall meet the standards of Section 16.56.050K of the Unified Development Ordinance.*
6. *The storage of any chemical fertilizers, herbicides, or insecticides shall be limited to an inside enclosed structure.*
7. *If any structure, or part thereof, within the Conditional Use Permit area is used for the business and not for a strictly agricultural purpose, then said structure or portion thereof shall meet the applicable building codes and obtain all required permits for such a use.*



8. *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.

Brent Johnson:

I just would just say it's been, I feel like it's been a great relationship with the county. I feel that we also help reduce, since it is commercial, reduce some of the tax burdens on some of the residences. I pay my taxes on time, and I haven't been late. I think I provide for some multiple families as business. I think it goes with what's happening and around the community. And it's been a passion of mine, so I really enjoy it. I'm a landscape architect. I just love to design outdoor pitch spaces, and we definitely have you go on our website and see some of the work that we do. But it's been, I think, a great union.

Linnea Kooistra:

Thank you for that. Thank you again.

So we will close the hearing portion of this. And move on to the voting portion. There are eight proposed conditions by staff. They're the same that they were 10 years ago, but we'll go ahead and read through them.

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 attached site plan prepared by civil engineering and land surveying services. However, nothing shall limit the construction of agricultural structures on the property. Number three, the operation of the landscape business shall meet the standards of section 16.56.030.C of the Unified development Ordinance. Number four, any storage of de-icing agents shall conform to the standards of section 16.56.50.E Of the McHenry County Unified Development Code.

Number Five, the outdoor storage of any commercial vehicles and equipment and outdoor sales and displays shall meet the standards of section 16.56.050.K of the unified development plans. And six, the storage of any chemical fertilizers, herbicides, or insecticides shall be limited to an inside enclosed structure. Number seven, if any structure or part thereof within the conditional use permit area is used for the business and not for a strictly agricultural purpose, then said, structure or portion thereof shall meet the applicable, I can't talk today. Building codes and obtain all required permits for such a use. And finally, number eight, all other federal, state and local laws shall be met. Are there any other proposed conditions?

Charlie Eldredge:

Madam Chairman, I propose acceptance of the conditions as read.

Vicki Gartner:

I'll second.

Linnea Kooistra:

It's been moved by Mr. Eldredge and seconded by Ms. Gartner to approve the conditions. I'll call for the vote. Mr. Eldredge?

Charlie 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:

Ms. Beverly?

Jessica Beverly:

Yes.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

Aye.

Linnea Kooistra:

And I'll vote yes, so this is a seven to zero approval of the conditions. At this time, I would take a motion for the approval of the request for the conditional use.

Charlie Eldredge:

So moved.

Mary Donner:

Second.

Linnea Kooistra:

Moved by Mr. Eldredge, seconded by Ms. Donner. Discussion, Mr. Eldredge?

Charlie Eldredge:

Yes, let me note for the record that I drive by this property on a very regular basis. And I also sat on this conditional use when it was originally proposed 10 years ago, and voted yes then too. My observation in passing it 15 or 20 times a month fits in very well with the area. Landscape businesses are quite common in the county. I think this is one of the better managed areas of them. We have a good many of them that do create issues with storage of waste materials or piling up of stuff that probably shouldn't be

there. That's never been an issue with this facility. It's always been clean and attractive in my observation. And according to staff, there have never been any complaints.

It is clearly a business that is needed in the county. A great many people use services such as this. It employs people, and being headed by a landscape architect has more flexibility and the ability to do more than some of the more limited landscape businesses in the county. I believe this is an appropriate use in this particular area. I believe that all the standards have been met and I shall vote for in favor of the petition.

Linnea Kooistra:

Ms. Gartner?

Vicki Gartner:

I was here 10 years ago as well with Mr. Eldredge, and I do remember you being in here and presenting your case, and we were kind of excited then for it, and I'm still excited for it, so in favor.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

I have nothing to add, but that the submission and the statements preceding me all support my supporting this application.

Linnea Kooistra:

Mr. Schnable?

Charlie Eldredge:

I agree with what's been done.

Linnea Kooistra:

Ms. Beverly?

Jessica Beverly:

Ditto.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

I drove by there this morning, and I thought it looked great, so I have no issues at all.

Linnea Kooistra:

And I agree with the comments of my colleagues. I'm in favor of the request, so I'll call for the vote. Mr. Eldredge?

Charlie 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:

Ms. Beverly?

Jessica Beverly:

Yes.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

Yes.

Linnea Kooistra:

And I'll vote yes. So this will go to the County Board, seven to zero.

Brent Johnson:

Thank you very much.



# Staff Report for the McHenry County Zoning Board of Appeals

**Application:** #Z25-0027

**PIN:** Part of 06-19-100-006

**Address:** 26015 Flat Iron Road, Harvard

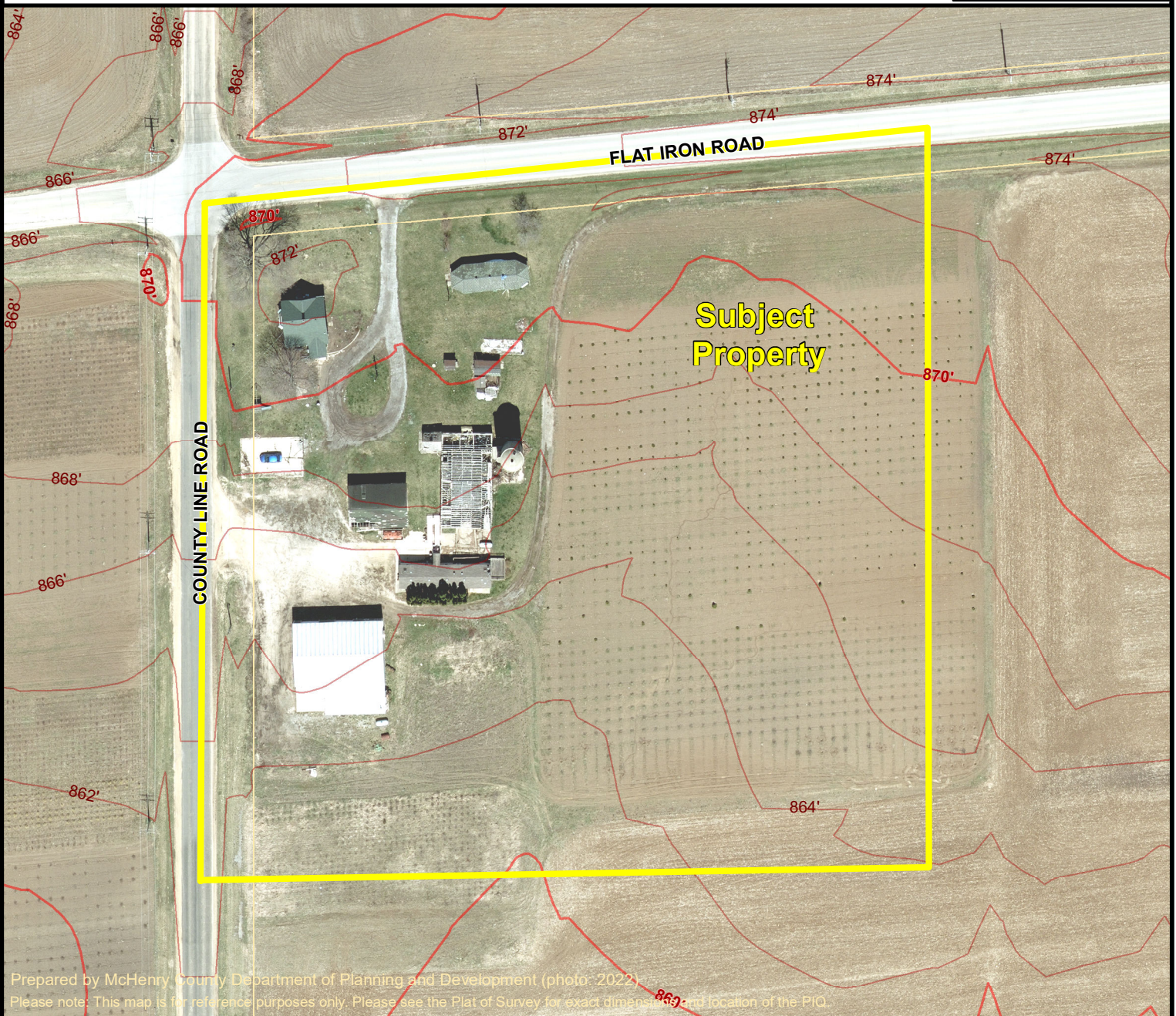
**Request:** A-1 Agriculture District to A-2 Agriculture District

**Hearing:** March 20, 2025

**Applicant:** DDS Enterprises LLC

**Location:** The subject property is five point six (5.6) acres and is located at the southeast corner of the intersection of Flat Iron Road and County Line Road, in Dunham Townships.

## Aerial Map



### 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 50 25 0 50 100  
1 inch equals 100 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 map amendment from the A-1 Agriculture District to the A-2 Agriculture District on a five-point six (5.6) acre tract of land. This tract of land is part a larger thirty-seven (37) acre parcels.

According to the plat of survey, the subject property contains: a frame single-family residence, a mobile home and several detached accessory structures. The mobile home is used for agriculture employee housing.

The single-family detached house is located approximately forty-nine (49) feet east of the centerline of County Line Road. The County's setback regulations require that principal structures in the A-2 Agriculture District be located at least sixty-five (65) from the centerline of a road. As such, the applicant is also seeking a variance to reduce this setback requirement by sixteen (16) feet to recognize the existing conditions.

### 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 A-2 District Rezoning Standards, listed in §16.36.020 of the *McHenry County Unified Development Ordinance*.
- The Applicant must meet the Approval Standards for Zoning Variations, listed in §16.20.020.F of the *McHenry County Unified Development Ordinance*.

### STAFF ANALYSIS

#### Current Land Use & Zoning

The property is currently zoned A-1 Agriculture and has been used as a Single-Family Residence with Agriculture uses. The proposed reclassification is consistent with the A-1 zoning of the properties to the north, east and south. Properties to the west are located within unincorporated Boone County. The proposed reclassification is consistent with surrounding Agriculture and Single-Family Residential uses within a quarter (1/4) mile of the subject property.

#### 2030 Comprehensive Plan Future Land Use map

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

#### 2030 Comprehensive Plan & 2030 and Beyond Analysis

The 2030 Comprehensive Plan and 2030 and Beyond Plan support the reclassification to the A-2 Agriculture District. There is minimal impact to the agricultural, natural, and water resources on the site (*See comments below*).

*McHenry County 2030 and Beyond, Adopted October 18, 2016—*

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

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

- The proposed reclassification will preserve the rural landscape and will not increase the density already established for this area.

#### 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 is a mechanism to preserve agricultural lands in the county.

#### 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 proposed reclassification is consistent with the agriculture use of the surrounding properties. Granting the reclassification would not prohibit agriculture uses in the area to continue.

#### Big Idea #4 Let's expand our economy

No applicable text.

### *McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010*

#### Community Character & Housing

*"Living with the land is the core belief of the rural lifestyle and it's because of these farmers, conservationists, and caretakers that the County is able to still hold on to its history and traditions...." "It is this way of life that still gives McHenry County its rural character. It fosters the protection of nature, the recharging of aquifers, and the preservation of the County's rich resources for future generations." (p. 23)*

- Reclassification to the A-2 Agriculture District preserves the essential aspects of the rural character by allowing agriculture uses to continue.
- The property is not within the Sensitive Aquifer Recharge Area (SARA).

#### Agricultural Resources

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

- The proposed reclassification to the A-2 Agriculture District would have a minimal impact to agricultural resources and allow agriculture land uses to continue.

#### Greenways, Open Space & Natural Resources

Objective: *"Promote land uses that minimize the impact on land, water, energy, and other natural resources" ... (p. 43)*

- The McHenry-Lake County Soil and Water Conservation District *Natural Resources Inventory* was received. The letter indicates that a full report isn't necessary as no wetlands, floodplain or hydric soils were identified as being located on this parcel. Please refer to attached NRI Letter #L25-007-4668 for details.

#### Water Resources

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

- The proposed reclassification does not include any new improvements that would increase impervious surface area.

#### Economic Development

No applicable text.

#### Infrastructure

No applicable text.

### STAFF ASSESSMENT

The applicant is requesting a map amendment from the A-1 Agriculture District to the A-2 Agriculture District on five-point six (5.6) acres with a variation to reduce the street setback by sixteen feet from the required sixty-five (65) feet. The request is consistent with the existing Agriculture and Single-Family Residential land uses of the area. The request is also consistent with the recommendations provided in the 2030 and Beyond Plan and the 2030 Comprehensive Plan text. The reclassification is consistent with the future land use map designations of **Agricultural**. The subject property is not located in a sensitive aquifer recharge area (SARA). Staff has no objection to the applicant's request for reclassification.



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

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

### *1. Approval Standards for Map Amendments.*

- a. The compatibility of the proposed zoning with the existing use and zoning of nearby property.
- b. The extent to which property values of the subject property are diminished by the existing zoning.
- c. The extent to which the public health, safety, and welfare of the public are promoted by the existing zoning.
- d. The relative gain to the public, as compared to the hardship imposed upon the applicant, if the proposed zoning is denied.
- e. The suitability of the property for the purposes for which it is presently zoned.
- f. The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.
- g. The community need for the proposed use.
- h. The consistency of the proposed amendment with the adopted comprehensive plan and the appropriateness of the comprehensive plan to the subject property.

## **Section 16.36.020 of the McHenry County Unified Development Ordinance**

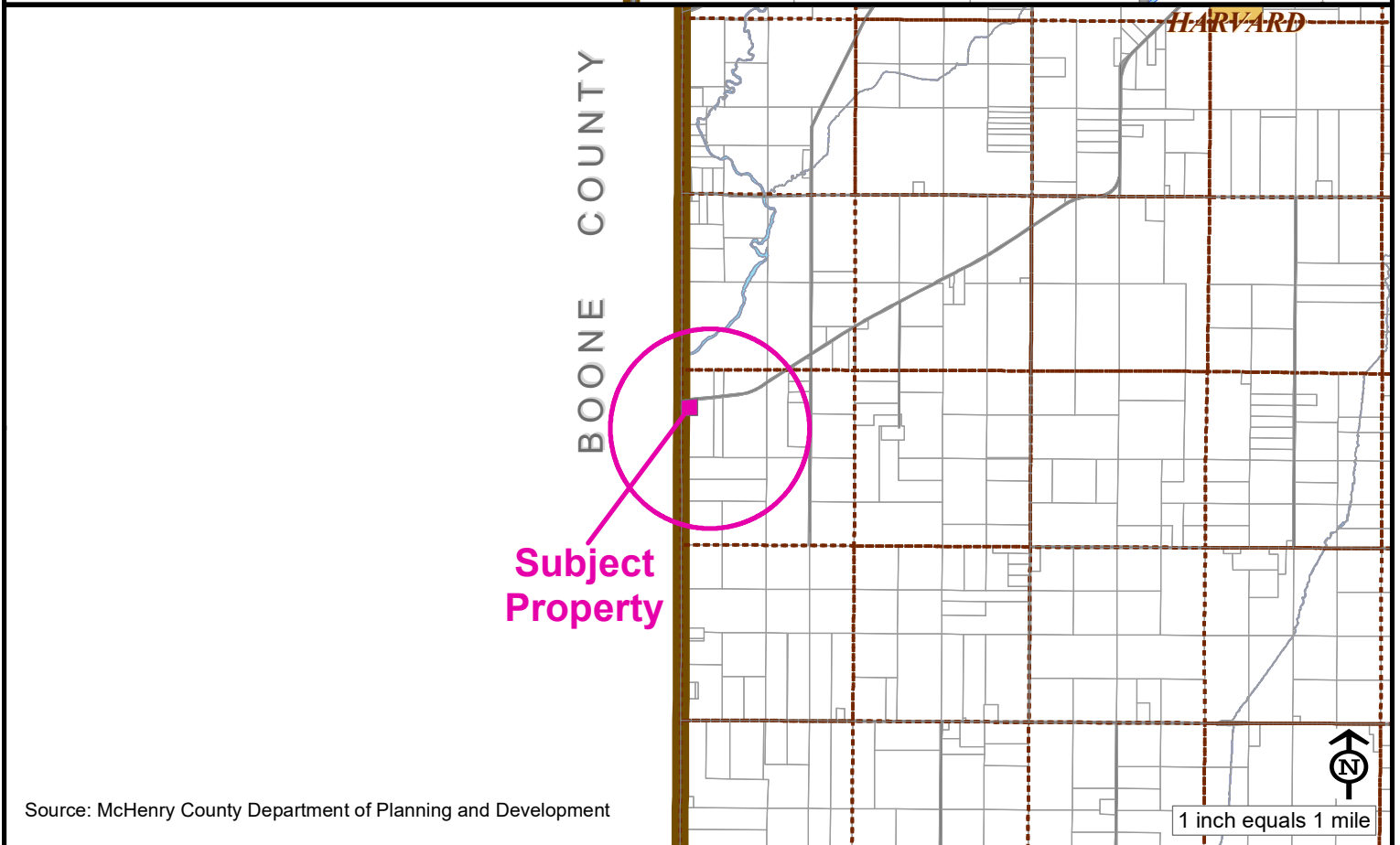
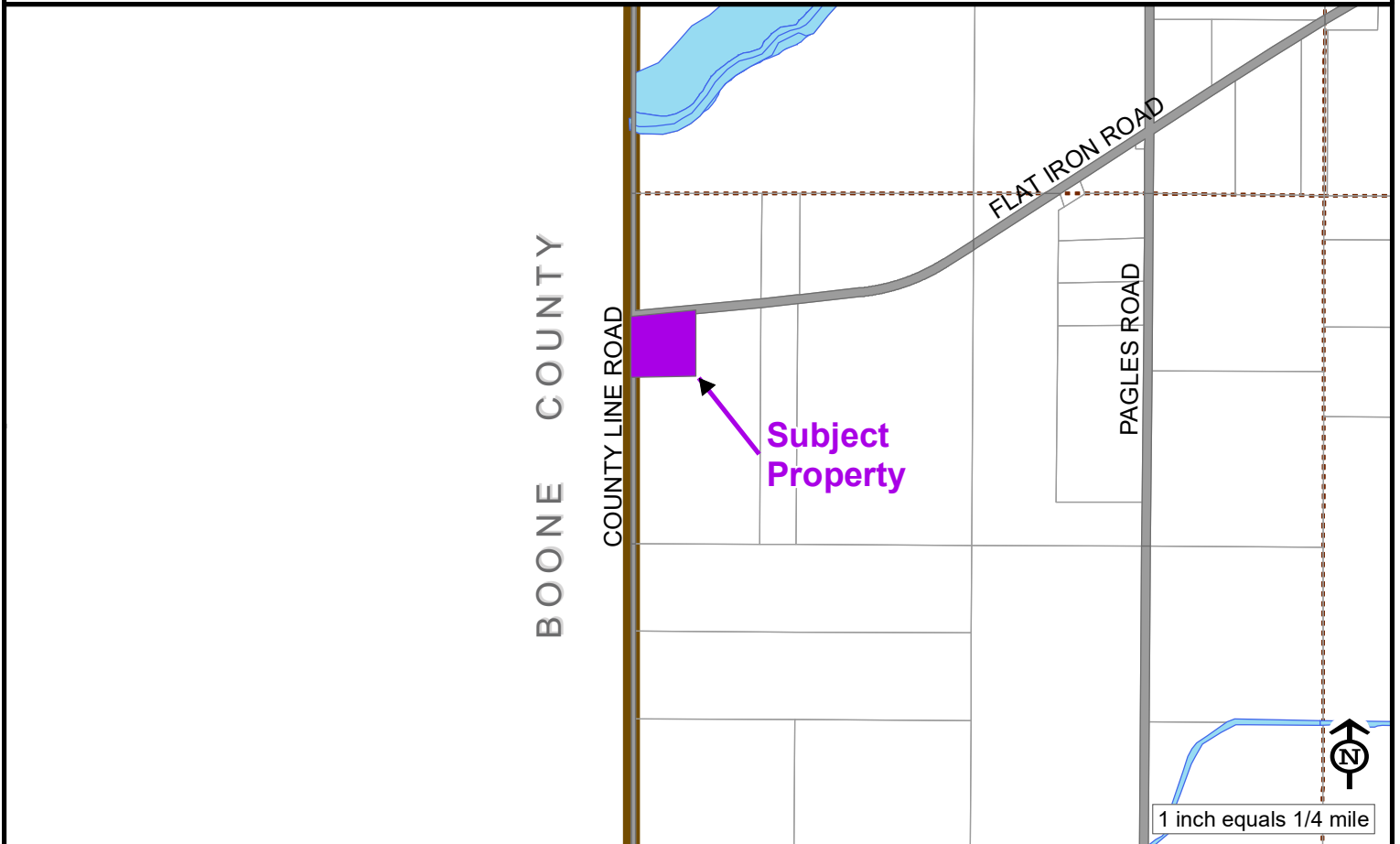
In addition to meeting the standards for a map amendment in § [16.20.010](#) (Zoning Map and Text Amendment), all rezonings to the A-2 District must meet the following additional requirements:

- A. Only property in the A-1 District is eligible for rezoning to the A-2 District.
- B. The subject property shall have an existing lawfully constructed residential dwelling on the property. Mobile homes, agricultural trailers, and agriculture employee housing do not qualify under this standard.
- C. The zoning petition shall be restricted to a single existing or proposed parcel.
- D. The subject property shall meet one (1) of the following three (3) relevant exemptions from the Plat Act (765 ILCS 205/ *et seq.*) as amended. In the event that the Plat Act is amended, the provisions of the Illinois Compiled Statutes shall control.
  - 1. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access.
  - 2. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
  - 3. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor, provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.

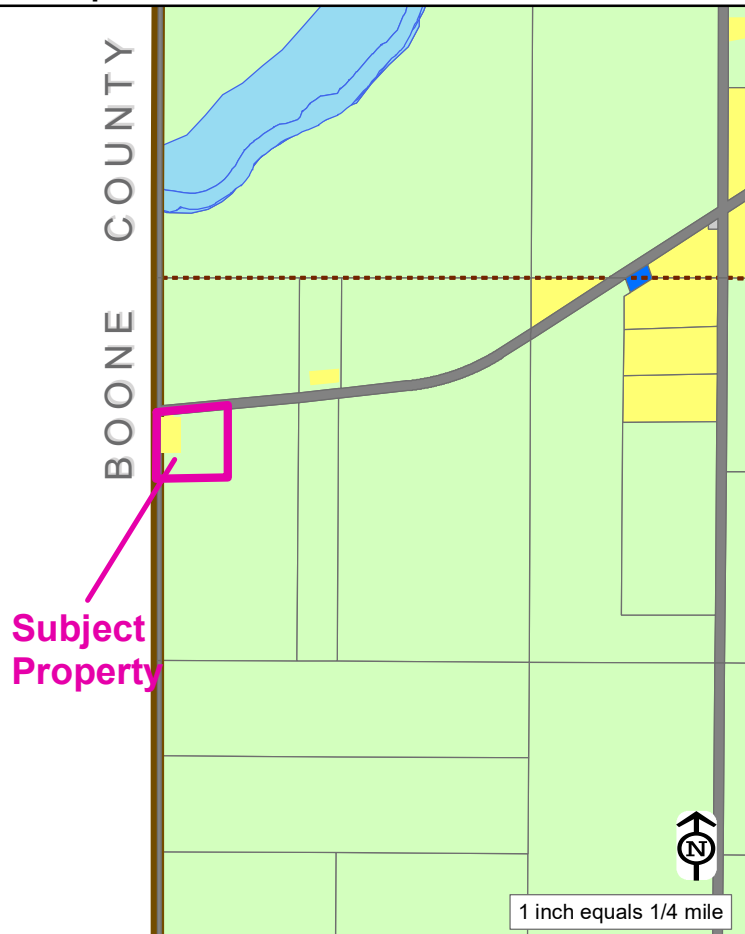
### **Section 16.20.020.F of the McHenry County Unified Development Ordinance**

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

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



## Current Land Use Map



### Current Land Use

Single Family Residence and Agriculture

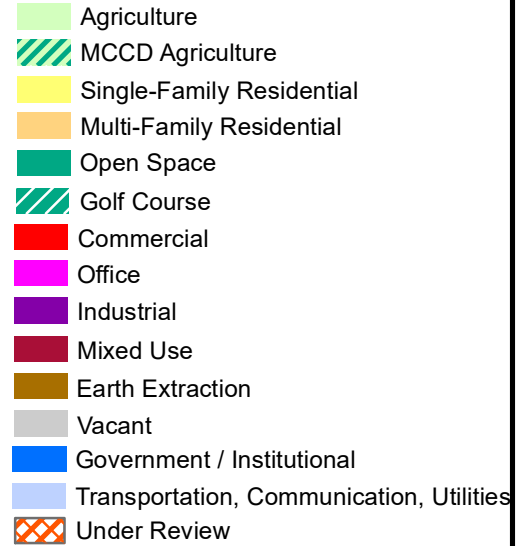
### Adjacent Land Use(s)

North: Agriculture

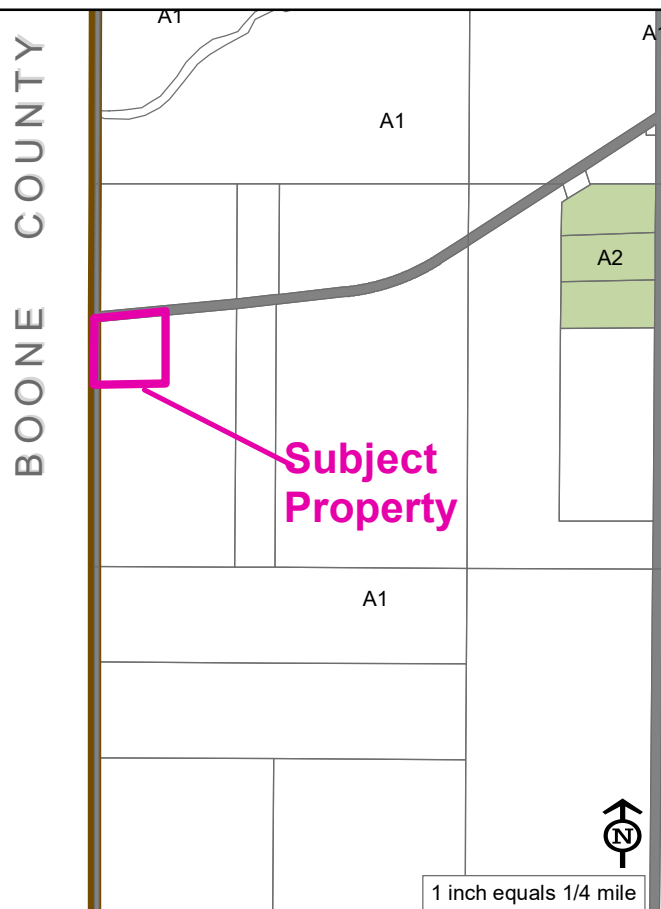
South: Agriculture

East: Agriculture

West: Unincorporated Boone County



## Zoning Map



### Current Zoning

A-1 Agriculture

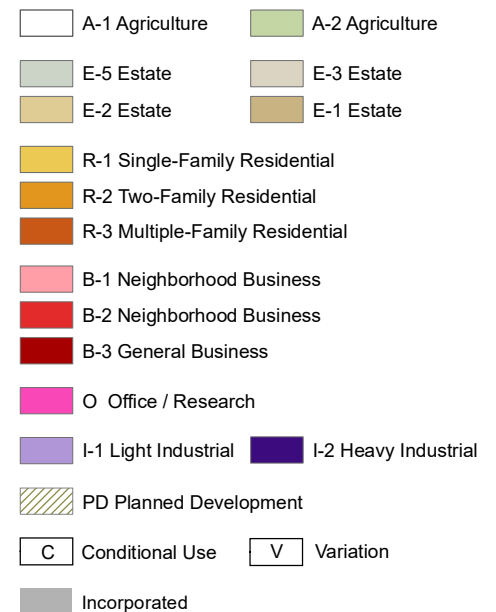
### Adjacent Zoning

North: A-1 Agriculture

South: A-1 Agriculture

East: A-1 Agriculture

West: Unincorporated Boone County

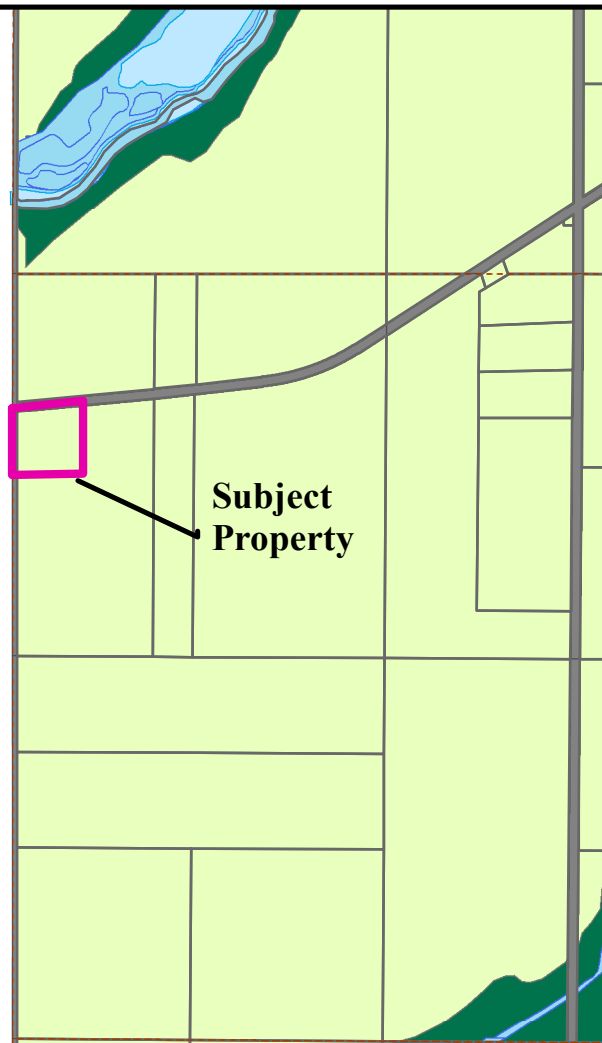


# McHenry County 2030 Comprehensive Plan Future Land Use Map

## Future Land Use Map Designation

*Agricultural*

BOONE COUNTY



**Subject Property**

- 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

Dunham Township: Agriculture

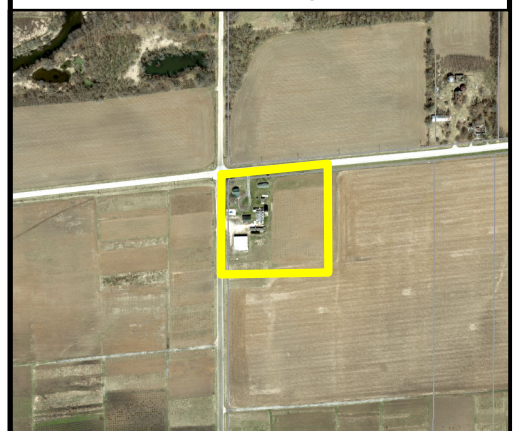
### McHenry County 2030 Comprehensive Plan — Text Analysis Land Use

**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

The site is NOT 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](http://www.mchenryswcd.org)

February 7, 2025

Elizabeth Pfiffner  
Pfiffner Law Group, PC  
3901 N. IL Route 23  
Marengo, IL 60152

<u>Re:</u>	Parcel # 06-19-100-006
<u>Common Location:</u>	26015 Flat Iron Road, Harvard, IL 60033
<u>NRI#</u>	L25-007-4668
<u>Zoning Change:</u>	A1 to A2

Dear Ms. Pfiffner:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for Natural Resource Information Report on the DDS Enterprises, LLC property as applied for in Report #L25-007-4668. Due to the size of the parcel and minimal or no new 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 Ordinance. If you have any questions concerning this letter, feel free to call our office.

Sincerely,

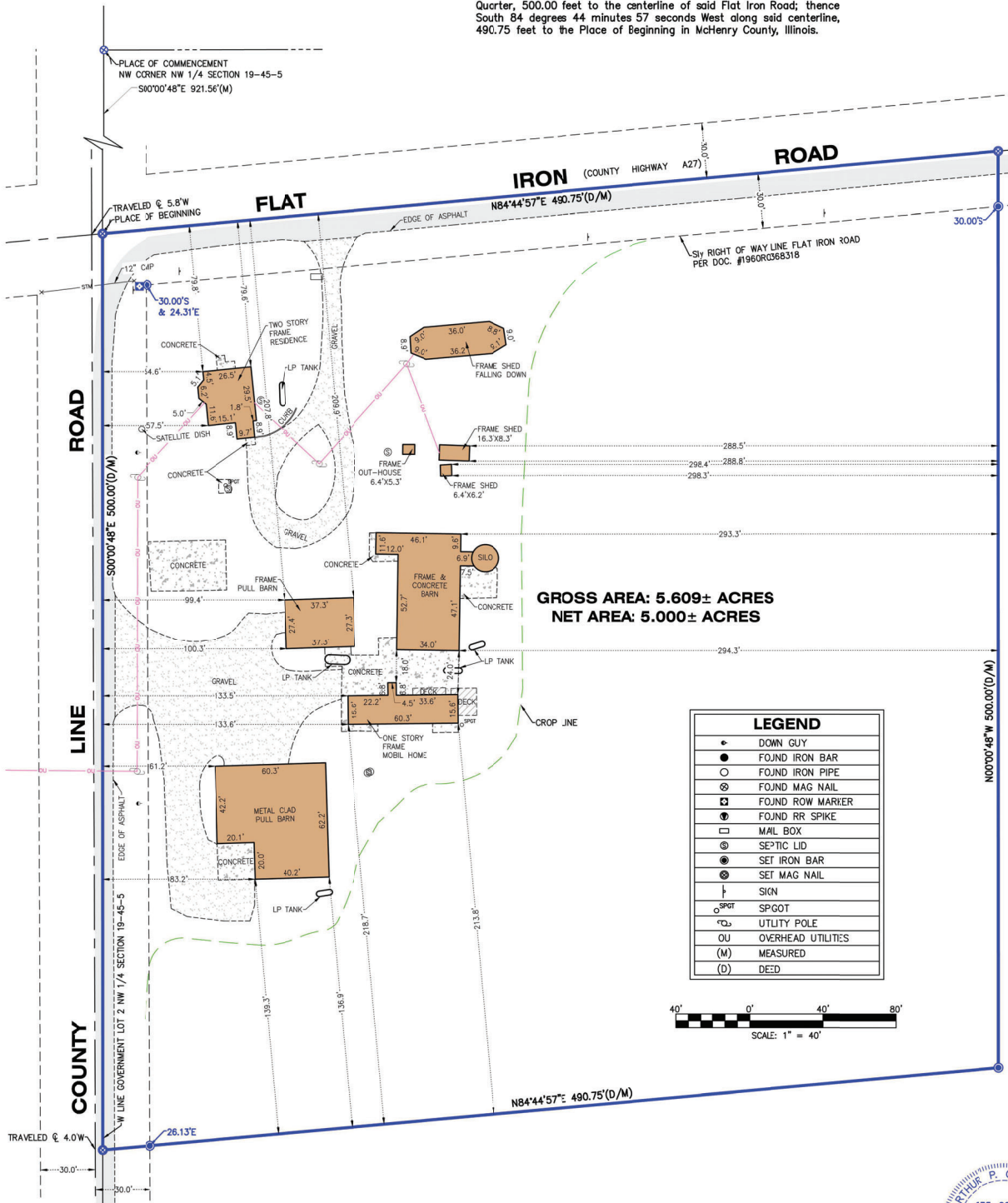
Ryan Bieber  
Urban Conservation Specialist

cc. Kim Charlow, McHenry County Department of Planning and Development,  
[KBScharlow@mchenrycountyil.gov](mailto:KBScharlow@mchenrycountyil.gov)



# PLAT OF SURVEY

Part of Government Lot 2 of the Northwest Quarter of Section 19, in Township 45 North, Range 5 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest corner of said Government Lot 2; thence South 00 degrees 00 minutes 48 seconds East along the West line thereof, 921.56 feet to the centerline of Flat Iron Road and the Place of Beginning; thence continuing South 00 degrees 00 minutes 48 seconds East along said West line, 500.00 feet; thence North 84 degrees 44 minutes 57 seconds East parallel with the centerline of said Flat Iron Road, 490.75 feet; thence North 00 degrees 00 minutes 48 seconds West parallel with the West line of said Northwest Quarter, 500.00 feet to the centerline of said Flat Iron Road; thence South 84 degrees 44 minutes 57 seconds West along said centerline, 490.75 feet to the Place of Beginning in McHenry County, Illinois.



STATE OF ILLINOIS )  
COUNTY OF McHENRY ) S.S.

In my professional opinion, and based on my observations, I hereby certify that we have surveyed the premises above 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 2/4 A.D., 20 25.

Vanderstappen Land Surveying Inc.  
Design Firm No. 184-002792

By: *Arthur P. Grimmer*  
Illinois Professional Land Surveyor No. 3857

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

- \* No distance should be assumed by scaling.
- \* 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.

CLIENT: PFIFFNER LAW GROUP, P.C.  
DRAWN BY: JGK CHECKED BY: APG  
SCALE: 1"=40' SEC. 19 T. 45 R. 05 E.  
P.I.N.: 06-19-100-306  
JOB NO.: 250033 I.D. MBS  
FIELDWORK COMP.: 1/30/25 BK. PG.  
ALL DISTANCES SHOWN IN FEET AND DECIMAL REF.  
PARTS THEREOF CORRECTED TO 68° F.