

Staff Report for the McHenry County Zoning Board of Appeals

Application: #Z25-0039

PIN: Part of 01-33-200-002

Address: Oak Grove Road, Harvard

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

Hearing: May 1, 2025

Applicant: Gordon and Barbara Weidner

Location: The property is just under two (2) acres and is located at the east side of Oak Grove Road, one thousand three hundred (1,300) feet north of the intersection of Ramer Road and Oak Grove Road, in Chemung Township.

Aerial Map



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 PIQ.

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
60 30 0 60 120
1 inch equals 125 feet



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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 tract of land which is just under two (2) acres. This tract of land is part of a larger thirty (30) acre parcel.

According to the plat of survey, the subject property contains a frame single-family residence and a detached accessory structure.

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*.

STAFF ANALYSIS

Current Land Use & Zoning

The property is currently zoned A-1 Agriculture and has been used as a Single-Family Residence with agricultural uses. The proposed reclassification is consistent with the A-1 zoning surrounding the subject property. There are a few A-2 Agriculture zoned properties located approximately a half (0.5) mile from the subject parcel. Within about a half (0.5) mile of the subject parcel there are two (2) subdivisions with E-1 Estate zoning.

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 nearest municipality to this property is Harvard, which is approximately a half (0.5) mile from the subject property.
- 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 agricultural use of the surrounding properties. Granting the reclassification would not prohibit agricultural 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 agricultural uses to continue.
- Most of the property is 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 agricultural 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 due to the size of the parcel and the fact that further development is not contemplated. No wetlands or floodplains were noted as occurring on this parcel. Please refer to attached NRI Letter #L25-018-4679 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 just under two (2) acres. 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**. Most of the subject property is 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.

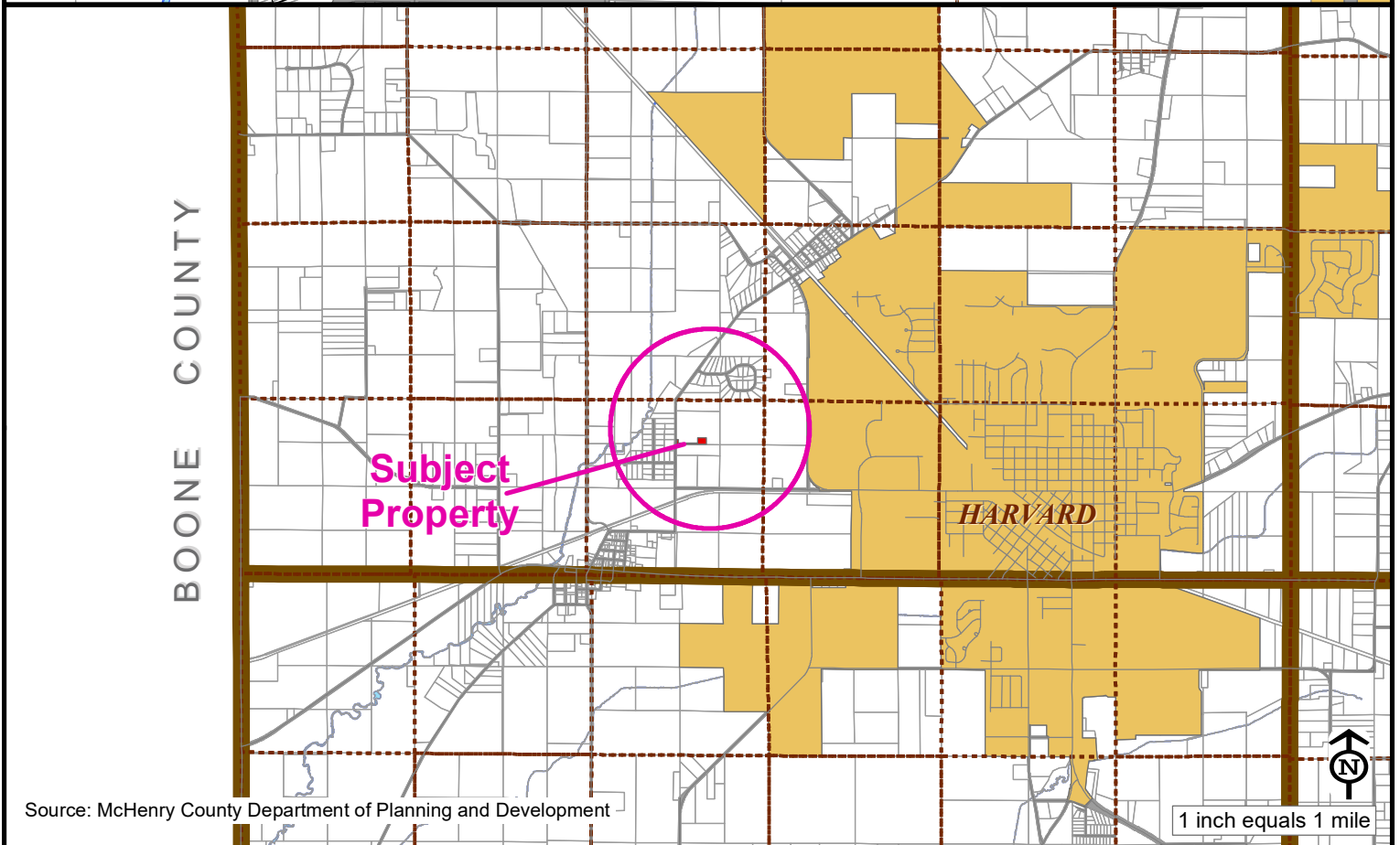
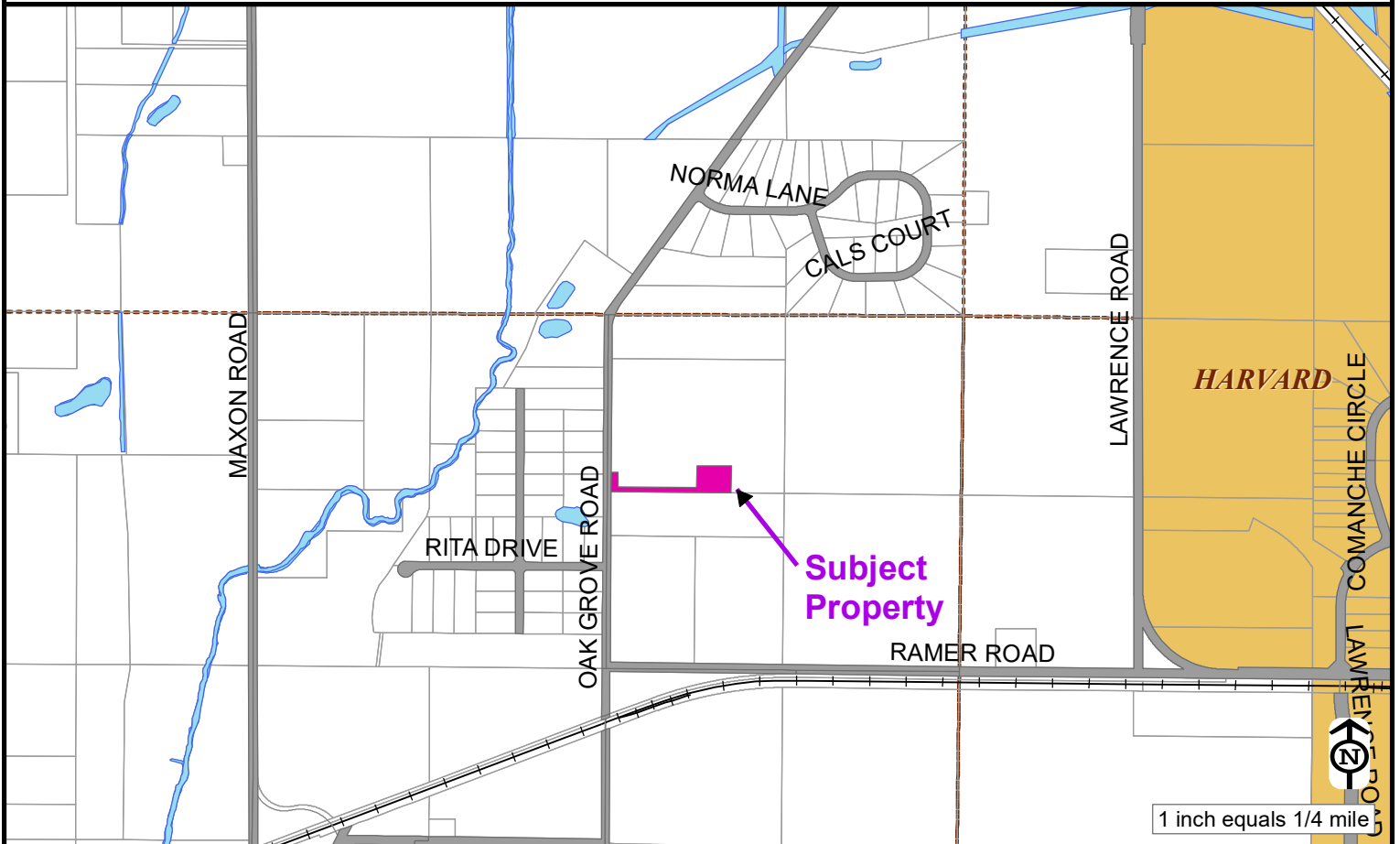
1. Approval Standards for Map Amendments.

- 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.

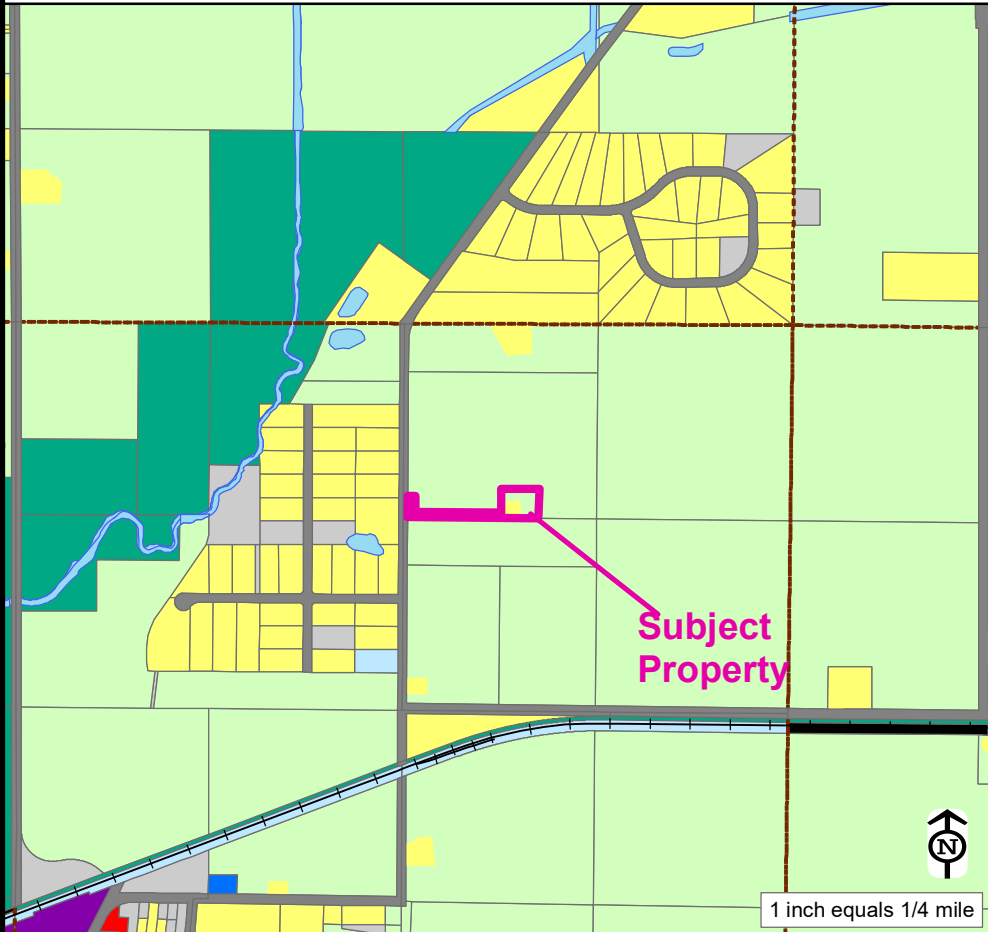
Section 16.36.020 of the McHenry County Unified Development Ordinance

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.



Current Land Use Map

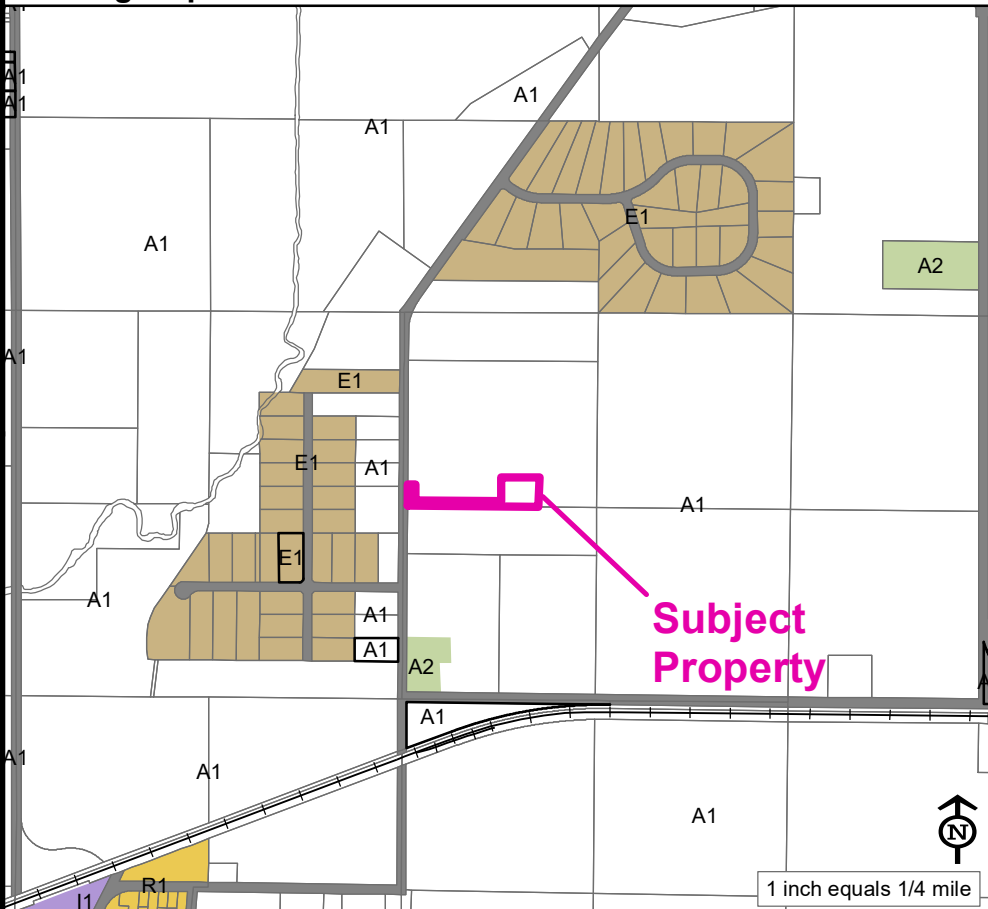


Current Land Use
Single Family Residential & Agriculture

Adjacent Land Use(s)
North: Agriculture
South: Agriculture
East: Agriculture
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

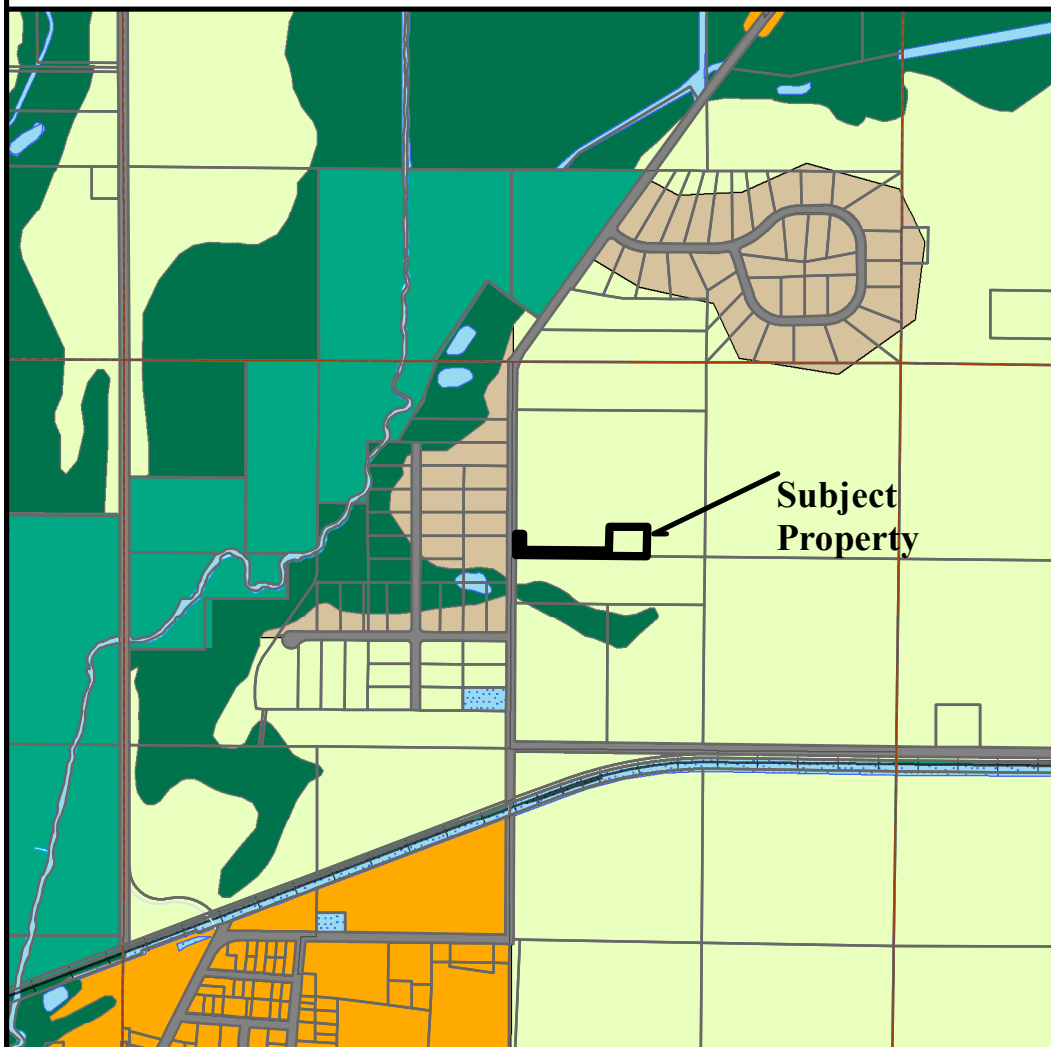


Current Zoning
A-1 Agriculture

Adjacent Zoning
North: A-1 Agriculture
South: A-1 Agriculture
East: A-1 Agriculture
West: A-1 Agriculture

- A-1 Agriculture
- A-2 Agriculture
- E-5 Estate
- E-3 Estate
- E-2 Estate
- E-1 Estate
- R-1 Single-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- B-1 Neighborhood Business
- B-2 Neighborhood Business
- B-3 General Business
- O Office / Research
- I-1 Light Industrial
- I-2 Heavy Industrial
- PD Planned Development
- C Conditional Use
- V Variation
- Incorporated

McHenry County 2030 Comprehensive Plan Future Land Use Map



Future Land Use Map Designation

Agricultural

- 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

Chemung Township: Development Corridor
Harvard: 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

Most of the site is located in a zone with elevated contamination potential.

Sensitive Aquifer Recharge Areas (SARA)



Sensitive Recharge Area