

IN THE MATTER OF THE APPLICATION OF  
**PHILLIP E. DAVIS, OWNER**  
FOR A **VARIATION** OF THE UNIFIED  
DEVELOPMENT ORDINANCE OF  
MCHENRY COUNTY, ILLINOIS

**Z25-0044**

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

LOT 16 IN BLOCK 1 IN MINERAL SPRINGS PARK, A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 45 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 20, 1911 AS DOCUMENT NO.18627, IN BOOK 3 OF PLATS, PAGE 37, IN MCHENRY COUNTY, ILLINOIS.

**PIN 09-36-329-008**

More commonly known as **505 Mineral Springs Drive, McHenry, Illinois in McHenry Township.**

WHEREAS, the Petition requests no reclassification of the subject property from its present classification which is **"R-1" Single Family Residential District; but a variation be granted to the property to allow for 1) a setback of one (1) foot six (6) inches from the required five (5) feet from the South lot line, 2) a setback of one (1) foot four (4) inches from the required five (5) feet from the North lot line, and 3) a minimum combined side setback of nine (9) feet instead of the minimum fifteen (15) feet required.**

WHEREAS, the subject property consists of approximately **one-quarter (.25) acre** in which no reclassification is contemplated.

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

WHEREAS, as a result of said hearing, the taking of evidence, and the viewing of exhibits advanced thereat, the Hearing Officer of McHenry County **did recommend the granting of a variation to allow for 1) a setback of one (1) foot six (6) inches from the required five (5) feet from the South lot line, 2) a setback of one (1) foot four (4) inches from the required five (5) feet from the North lot line, and 3) a minimum combined side setback of nine (9) feet instead of the minimum fifteen (15) feet required.**

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

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

NOW, THEREFORE BE IT ORDAINED, that the Unified Development Ordinance and the Zoning Maps of McHenry County and such Ordinances and such maps as amended, be and the same are hereby amended to ***allow for 1) a setback of one (1) foot six (6) inches from the required five (5) feet from the South lot line, 2) a setback of one (1) foot four (4) inches from the required five (5) feet from the North lot line, and 3) a minimum combined side setback of nine (9) feet instead of the minimum fifteen (15) feet required.***

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: \_\_\_\_\_

**HEARING OFFICER REPORT TO THE MCHENRY  
COUNTY BOARD IN THE MATTER OF PETITION Z25-0044**

1. **Recommendation:** Approve
2. **Applicant:** Phillip E. Davis, Owner of Record
3. **Request:** Variation within the R-1 Single-Family Residential district to allow for 1) a setback of one (1) foot six (6) inches from the required five (5) feet from the South lot line, 2) a setback of one (1) foot four (4) inches from the required five (5) feet from the North lot line, and 3) a combined side setback of nine (9) feet instead of the minimum fifteen (15) feet required. (McHenry County Unified Development Ordinance Table 16.52-1: LN Overlay District Bulk & Setback Regulations)
4. **Location and size of property in question:** The subject property consists of approximately one-quarter (.25) acre and is located approximately seven hundred thirty (730) feet south of the intersection of N. River Road and Mineral Springs Drive, in McHenry Township, Illinois. Common Address: 505 Mineral Springs Drive, McHenry, Illinois. PIN: 09-36-329-008
5. **Present at hearing:**  
Applicants: Philip E. Davis and Veronica Davis  
Michael J. McNerney, Hearing Officer  
Kim Scharlow, County Staff; Kit GearhartSchinske, County Staff  
Public: May 13, 2025 - Maria Mokstad, Britta Sjoberg, Carol Buss, Thomas Cacble, Emily Eldridge, Connie Marsh, Julius Hoffmann, Dyna Duboise, Guy Drachor, Deborah Hoffmann, David Brown, Daniel Bowen. June 10, 2025 – No members of the public present.
6. **Date, time and location of the hearing:** May 13, 2025 at 11:00 a.m. and June 10, 2025 at 11:00 a.m., McHenry County Government Center, Ware Road Administration Building, Woodstock, IL 60098.
7. **Items of evidence:**  
Official Site Plan, Application to allow variance, Natural Resource Information Report, McHenry-Lake County Soil & Water Conservation District Letter of L25-025-4686.
8. **Summary of Testimony at the hearing:**

The Hearing Officer opened the meeting, swore in the applicants, Staff and members of the public, described the property, and the request.

Mr. and Mrs. Davis introduced themselves and their application.

Mr. McNerney asked what prevents the applicants from moving the garage further North. Mr. Davis stated that the septic system would be in the way.

Mr. McNerney asked Staff what the minimum setback requirement was. Staff stated that the side setback is five (5) feet; however, because the subject parcel is in a legacy

neighborhood overlay district, there is a combined setback requirement between the two (2) sides of fifteen (15) feet. Mr. McNerney asked Staff what the zoning regulations were in 1935, the year the subject home was built. Staff stated that the county did not have zoning regulations in 1935.

Staff stated that they received a comment from Jim Condon, the Highway Commissioner, stating that he does not have any objections to the proposal.

The Hearing Officer asked the applicant to address the Approval Standards for Variation.

Mr. McNerney asked the applicant if the request were granted, would it improve or impair the property values of the neighborhood. Ms. Davis stated that it would improve the neighborhood because they would bring the house up to code making it safer and more energy efficient.

Mr. McNerney opened the hearing to public comment. Ms. Eldridge expressed concern that the aquifer could be affected. Mr. McNerney asked Staff how the county regulates aquifers. Staff stated that if a lot is within the Sensitive Aquifer Recharge Area, the impervious surface coverage of a lot is limited to fifty (50) percent of the lot. Ms. Eldridge also expressed concern regarding potential damage caused to roads and non-subject parcels by construction vehicles. Mr. Davis addressed the concerns related to parking construction vehicles on the site.

Members of the public expressed concern that the proposed building would infringe upon their future plans for the vacant beach lot. Ms. Mokstad stated that the lot south of the subject parcel is a community owned lot. Mr. McNerney stated that the documents that she provided did not support her claim.

Mr. Brown spoke in favor of the request. He stated that he has cameras on his property. He stated that he has caught people trying to break into vehicles. He stated that garages are necessary for the safety of property.

Mr. McNerney asked the applicant if the proposed structure would impact the ability to build on the adjacent lot in the future. Mr. Davis stated that it would not because they would stay within their own property lines.

Mr. McNerney stated that the hearing would need to be continued to determine the ownership of the adjacent lot. He continued the hearing to June 10, 2025 at 11:00 AM.

Mr. McNerney re-opened the hearing on June 10, 2025. Mr. McNerney stated that there are no neighbors at this hearing date. Ms. Davis stated that she spoke with the neighbors. She stated that, after discussing the request with the neighbors, the neighbors no longer oppose the request. Mr. McNerney addressed the neighbors' concerns from the previous hearing date.

Mr. McNerney asked for Staff comment. Staff stated that the request is typical for this size of lot on the river. Staff stated that the county did not have a zoning ordinance when the lot was platted and the home was built.

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

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

The Witnesses have met their burden of establishing the necessary ordinance requirements. Accordingly, it is my recommendation that the petitioners' request be granted.

Respectfully submitted,

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

McHenry Township  
PLAN REVIEW REPORT  
VARIATION REQUEST APPLICATION #Z25-0044

Hearing Date: May 13, 2025

**Applicant:** Phillip E. Davis, Owner of Record

**Request:** **Variation** within the **R-1 Single-Family Residential** district to allow for 1) a setback of one (1) foot six (6) inches from the required five (5) feet from the South lot line, 2) a setback of one (1) foot four (4) inches from the required five (5) feet from the North lot line, and 3) a combined side setback of nine (9) feet instead of the minimum fifteen (15) feet required. (*McHenry County Unified Development Ordinance Table 16.52-1: LN Overlay District Bulk & Setback Regulations*)

**Location:** The subject property consists of approximately one-quarter (.25) acre and is located approximately seven hundred thirty (730) feet south of the intersection of N. River Road and Mineral Springs Drive, in McHenry Township, Illinois.  
Common Address: 505 Mineral Springs Drive, McHenry, Illinois.  
PIN: 09-36-329-008

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

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

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

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

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

**Improvements:** The subject property is currently improved with a multi-story frame residence with enclosed porch and frame deck, asphalt drive, and stone patio, according to the Plat of Survey.

**Natural Resources:** No wetlands were found on the site. Due to the amount of previously disturbed soils on the site, impact to natural resources from the proposed use is minimal, according to Natural Resources Inventory (NRI) Letter L25-025-4686.

**Flood Hazard Areas:** No floodplain was found on site (*Note: Although County maps do identify flood hazard on site, Letters of Map Amendments (LOMA)s have been issued by FEMA, removing the property from the floodplain.*)

**Flood-of-Record:** An historic flood-of-record is identified on the western portion of the property.

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

**Comments/ Conclusion:**

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



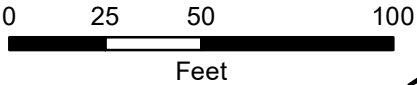
# Aerial Photo

505 Mineral Springs Drive, McHenry, Illinois



Photo: 2022

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



**Elevation** (feet above sea level)

— Contours

**Historic Flood Zone**



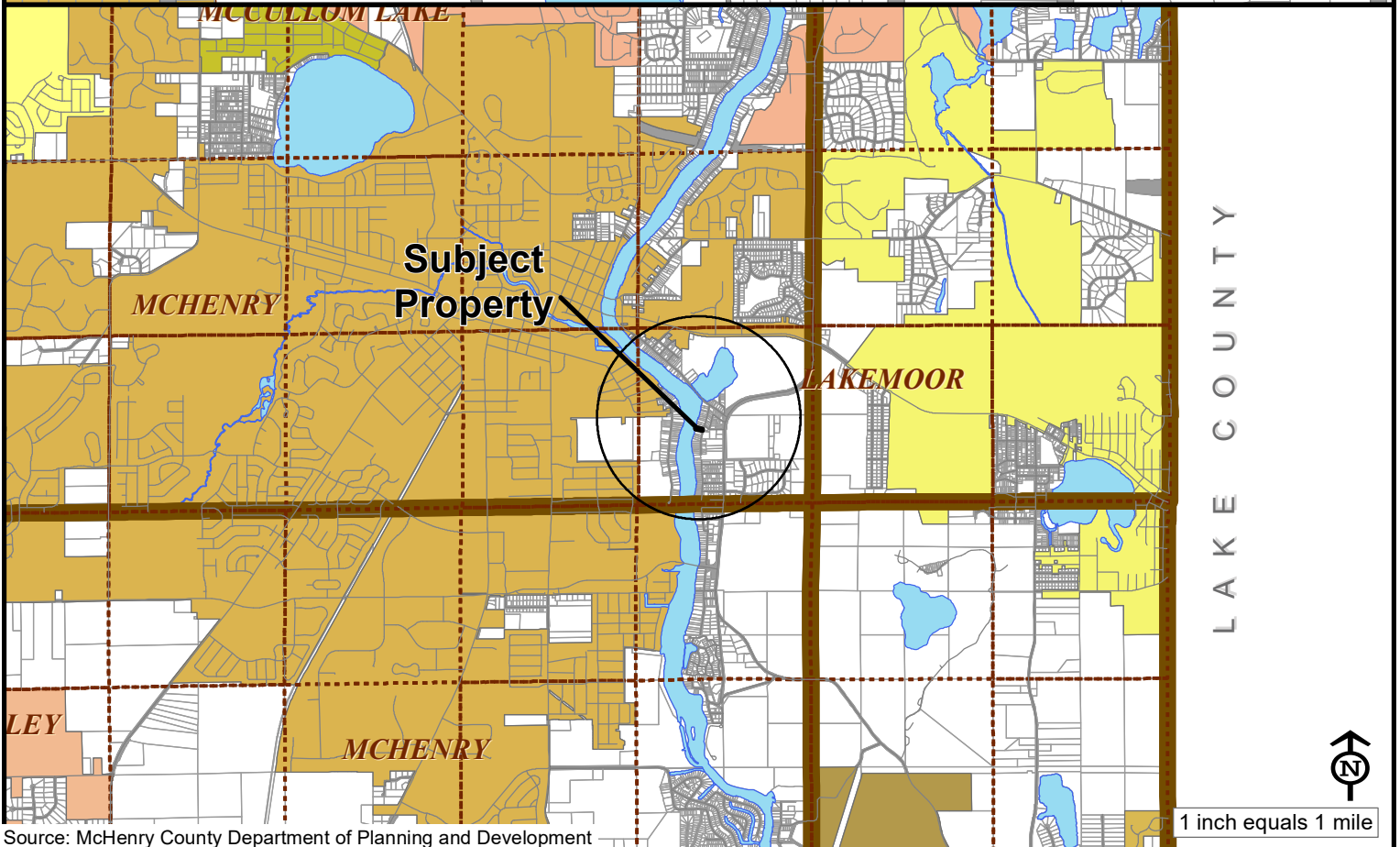
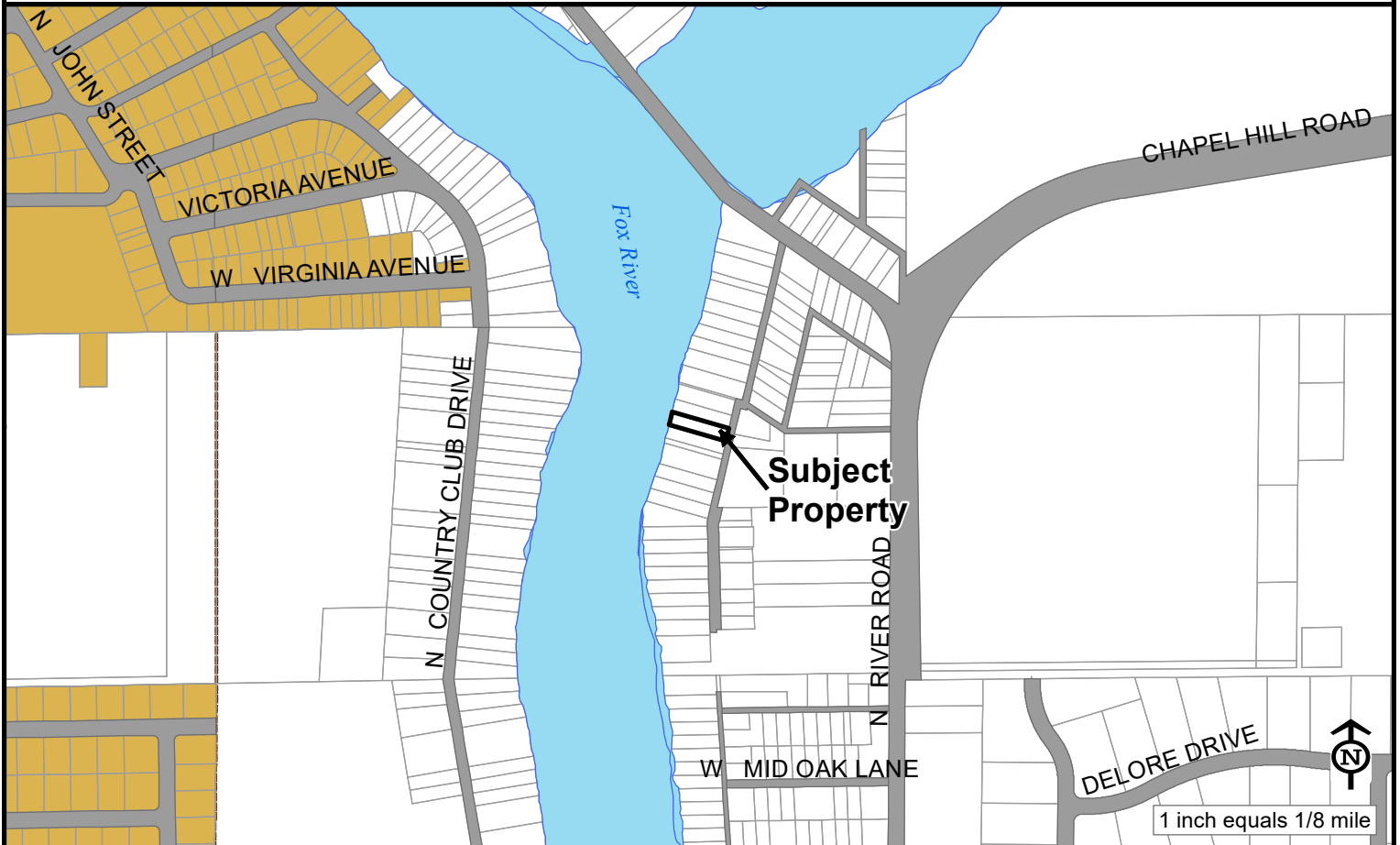
**FEMA Flood Hazard Areas**

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

Prepared by the McHenry County  
Department of Planning and Development

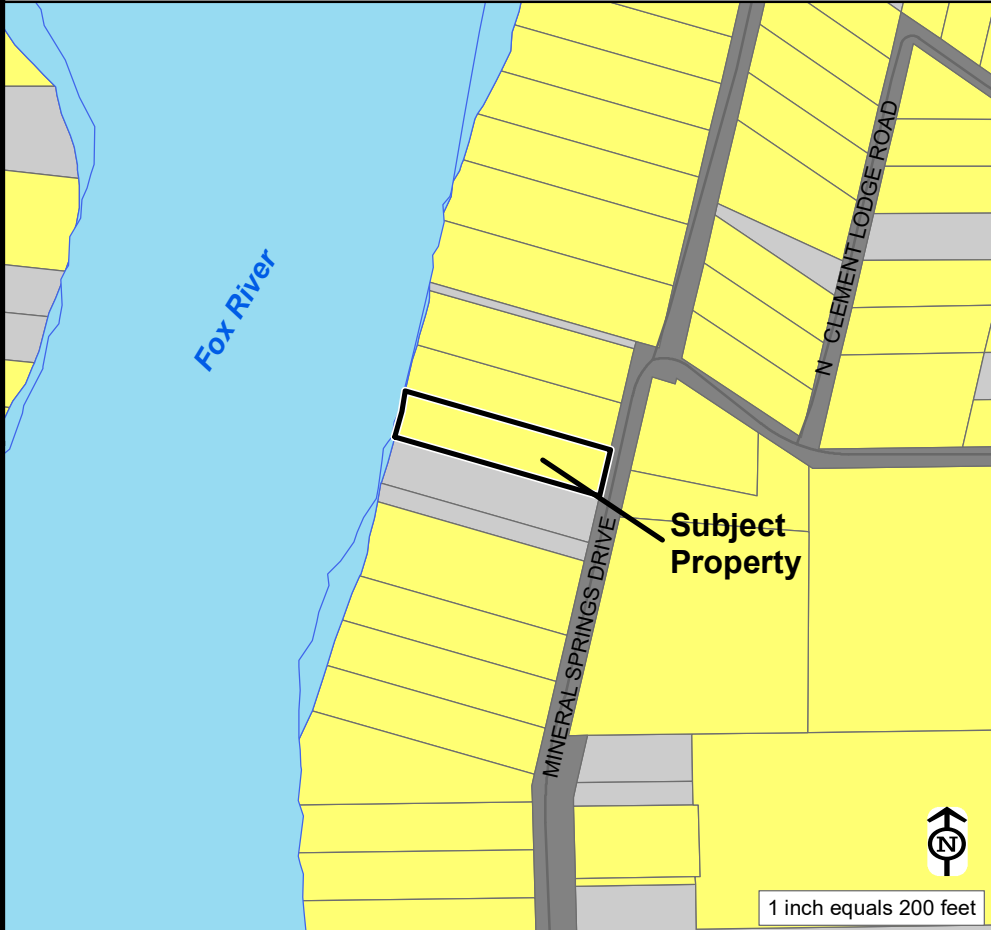








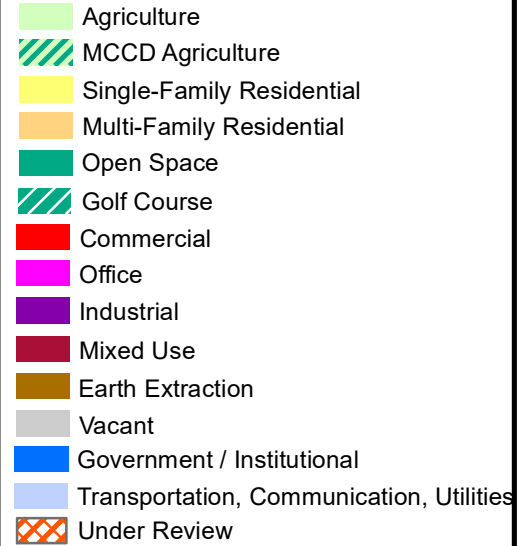
## Current Land Use Map



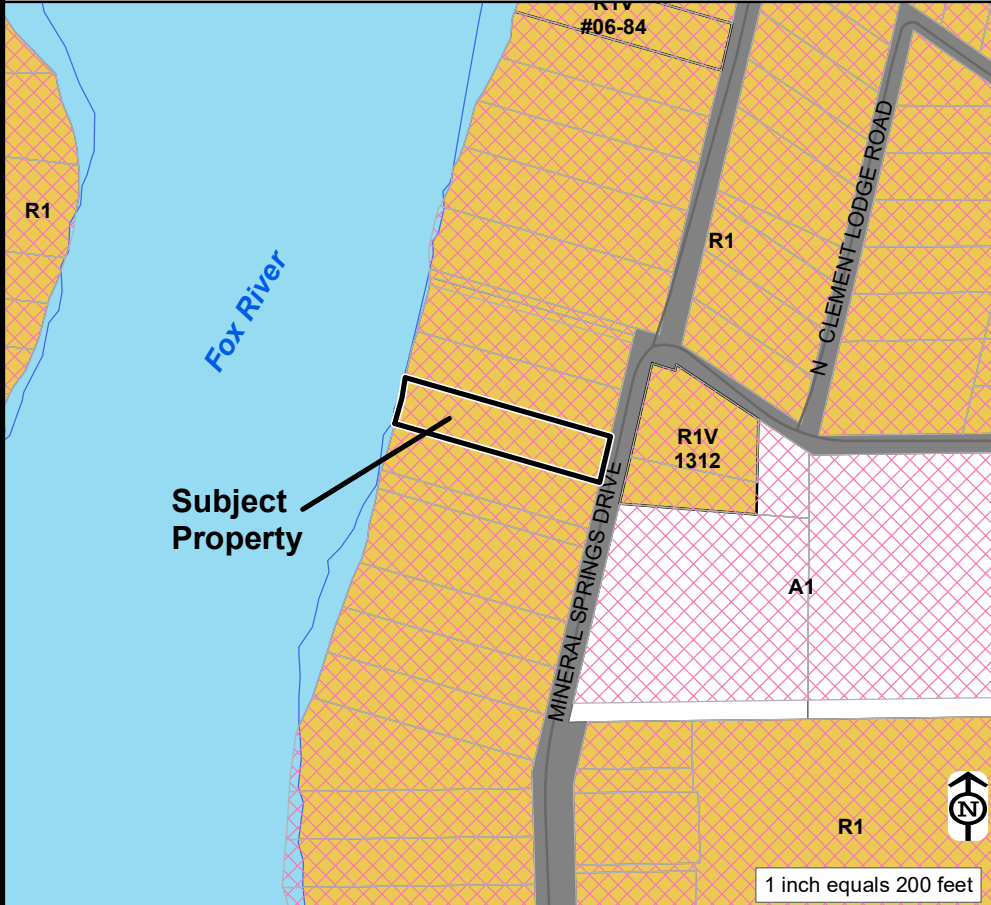
**Current Land Use**  
Single-Family Residential

### Land Use Adjacent to the PIQ

North: Single-Family Residential  
South: Vacant  
East: Single-Family Residential  
West: Fox River



## Zoning Map

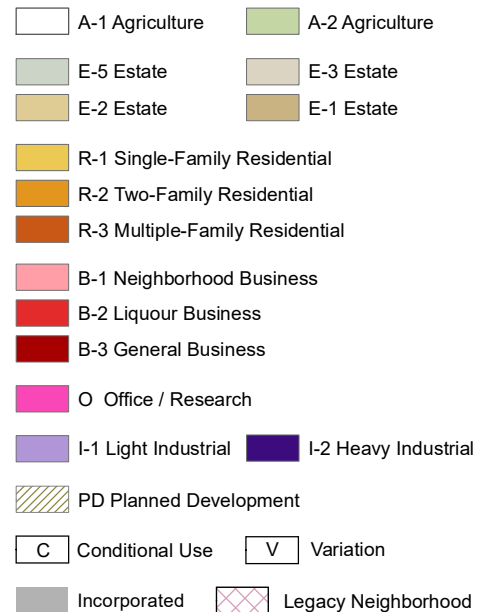


### Current Zoning

R-1 Single-Family Residential/LN

### Adjacent Zoning

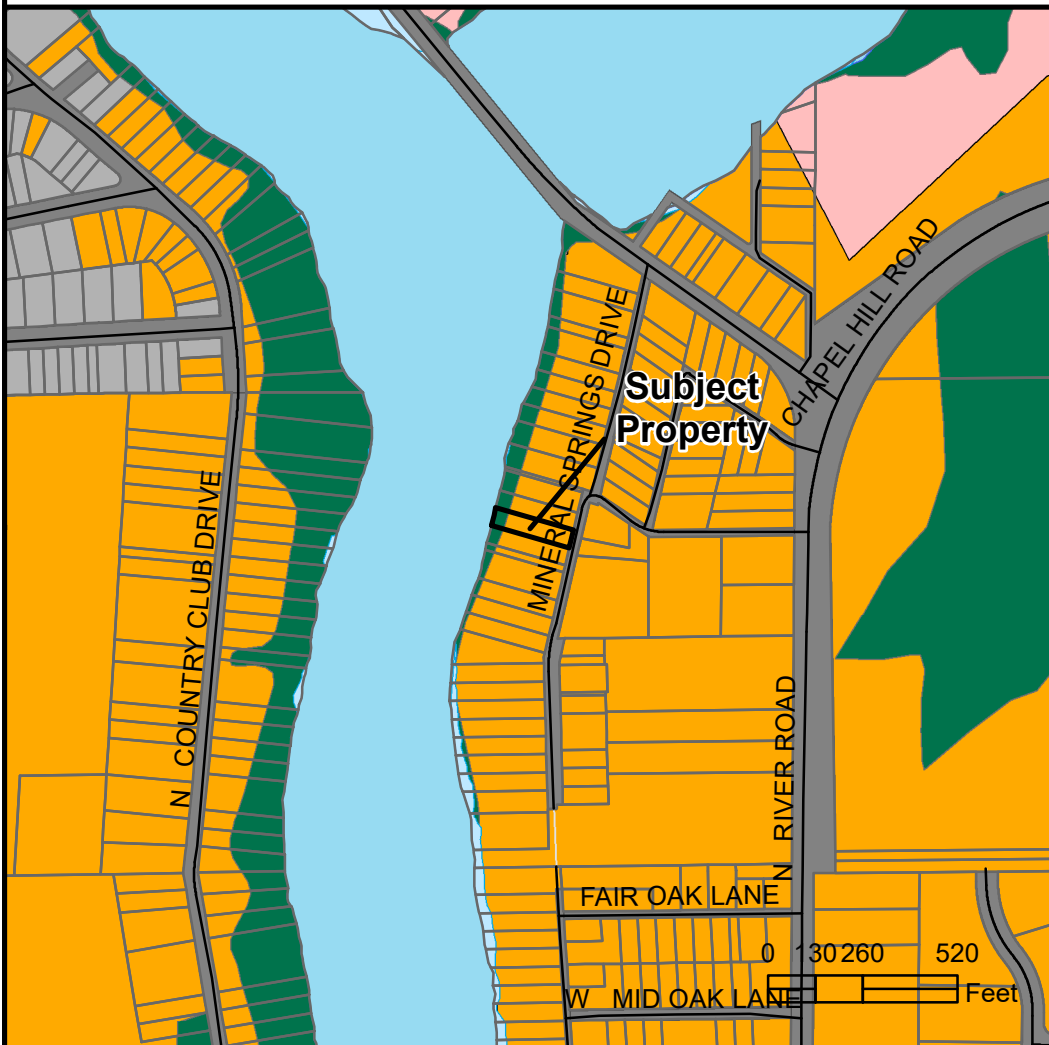
North: R-1 Single Family Residential/LN  
South: R-1 Single Family Residential/LN  
East: R-1V Single Family Residential/LN  
West: Fox River



# McHenry County 2030 Comprehensive Plan Future Land Use Map

## Future Land Use Map Designation

*Residential/  
Environmentally Sensitive Area*



- Agricultural
  - Open Space
  - Environmentally Sensitive Area
  - Estate
  - Isolated Estate
  - Residential
  - Isolated Residential
  - Retail
  - Mixed Use
  - Office, Research, Industrial
  - Gov't, Institutional, Utilities
  - TOD Existing Rail Station
  - TOD Future Rail Station
  - Active Earth Extraction Site
  - Municipality
- Scale: 1 inch = 1/10 mile

### Municipal/Township Plan Designations

McHenry Township: Residential

Lakemoor: Neighborhood Residential

McHenry: Walkable Residential Development

### McHenry County 2030 Comprehensive Plan — Text Analysis

#### Land Use

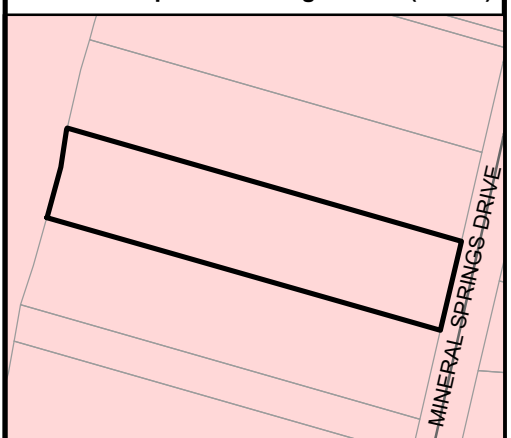
**Residential** - includes existing and proposed areas for single-family and multifamily residential uses at gross densities of less than one acre per dwelling unit.

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

#### Sensitive Aquifer Recharge Areas

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

### Sensitive Aquifer Recharge Areas (SARA)



- Sensitive Recharge Area



# 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)

April 14, 2025

Veronica Davis  
1382 Greco Rd.  
Schaumburg, IL 60193

Re: Parcel # 09-36-329-008  
Common Location: 505 Mineral Springs Dr., McHenry, IL 60051  
NRI# L25-025-4686  
Zoning Change: Variance for Garage

Dear Ms. Davis:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for Natural Resource Information Report on the Phillip & Veronica Davis property as applied for in Report #25-025-4686. Due to the amount of previously disturbed soils 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.

No floodplain or wetlands were found on the site from office maps. Our wetland 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,

Spring M. Duffey  
Executive Director

cc. McHenry County Department of Planning and Development