

IN THE MATTER OF THE APPLICATION OF
ANGEL GUZMAN, OWNER
FOR A **VARIATION** OF THE UNIFIED
DEVELOPMENT ORDINANCE OF
MCHENRY COUNTY, ILLINOIS

Z26-0001

WHEREAS, your petitioner, *Angel Guzman*, 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:

PARCEL 1: THAT PART OF LOT 4 DESCRIBED AS FOLLOWS. BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 4 WHICH IS 185.4 FEET WEST FROM THE SOUTHWEST CORNER OF LOT 1 ACCORDING TO THE PLAT OF OEFFLING'S LAKESIDE SUBDIVISION, RECORDED IN THE RECORDER'S OFFICE OF MCHENRY COUNTY, ILLINOIS, IN BOOK 5 OF PLATS, PAGE 2; THENCE NORTHWESTERLY IN A STRAIGHT LINE, 151.5 TO A POINT WHICH IS 206.2 FEET WESTERLY FROM THE NORTHWEST CORNER OF LOT 3 IN SAID OEFFLING'S LAKESIDE SUBDIVISION; THENCE WEST ON THE NORTH LINE OF SAID LOT 4 AFORESAID, 180 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID LOT 4, A DISTANCE OF 151.8 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE EAST ON THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 225.5 FEET TO THE PLACE OF BEGINNING (EXCEPTING THEREFROM THAT PART OF SAID LOT 4 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 4, 60.84 FEET; THENCE NORTHEASTERLY ON A LINE PARALLEL WITH THE WESTERLY LINE OF SAID LOT 4, 60.84 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 4, 60.84 FEET TO THE WESTERLY LINE OF SAID LOT 4; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF LOT 4, 60.84 FEET TO THE PLACE OF BEGINNING) IN SECOND ADDITION TO OEFFLING'S LAKESIDE SUBDIVISION, BEING A PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 8, TOWNSHIP 45 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 26, 1936 AS DOCUMENT NO. 122331, IN BOOK 8 OF PLATS, PAGE 146, IN MCHENRY COUNTY, ILLINOIS; ALSO

PARCEL 2: THAT PART OF FRACTIONAL NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 45 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A STAKE AT THE SOUTHWEST CORNER OF LOT 1 OF OEFFLING'S LAKESIDE SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 12, 1923 AS DOCUMENT NUMBER 61139, IN BOOK 5 OF PLATS; PAGE 2; THENCE WESTERLY ON THE QUARTER SECTION LINE, 185.4 FEET FOR A PLACE OF BEGINNING; THENCE NORTH 8 DEGREES, 29 MINUTES WEST, 147.6 FEET TO A STEEL POST SET IN CONCRETE; THENCE

SOUTH 88 DEGREES, 31 MINUTES EAST, 25 FEET TO A POINT; THENCE SOUTH 8 DEGREES, 29 MINUTES EAST TO A POINT ON THE QUARTER SECTION LINE; SAID POINT BEING 25 FEET EAST FROM THE PLACE OF BEGINNING; THENCE WEST ON THE QUARTER SECTION LINE 25 FEET TO THE PLACE OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS; ALSO

PARCEL 3: THAT PART OF LOT 4 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 4, 60.84 FEET; THENCE NORTHEASTERLY ON A LINE PARALLEL WITH THE WESTERLY LINE OF SAID LOT 4, 60.84 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 4, 60.84 FEET TO THE WESTERLY LINE OF SAID LOT 4; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF LOT 4, 60.84 FEET TO THE PLACE OF BEGINNING, IN SECOND ADDITION TO OEFFLING'S LAKESIDE SUBDIVISION, BEING A PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 89, TOWNSHIP 45 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 26, 1936 AS DOCUMENT NO. 122331, IN BOOK 8 OF PLATS, PAGE 146, IN MCHENRY COUNTY, ILLINOIS.

PIN 10-08-178-013

More commonly known as **813 Hayden Drive, McHenry, Illinois in McHenry Township.**

WHEREAS, the Petition requests no reclassification of the subject property from its present classification which is **"R-1" Single Family Residential District; but a variation be granted to the property to allow for a minimum setback of fifteen (15) feet from the minimum fifty (50) feet from the North lot line for a detached accessory structure.**

WHEREAS, the subject property consists of approximately **(.78) acres** in which no reclassification is contemplated.

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

WHEREAS, as a result of said hearing, the taking of evidence, and the viewing of exhibits advanced thereat, the Hearing Officer of McHenry County **did recommend the granting of a variation to allow for a minimum setback of fifteen (15) feet from the minimum fifty (50) feet required from the North lot line for a detached accessory structure, subject to the following condition: Any parking of vehicles outside of the garage shall be located on the asphalt to the east of the structure and shall not be located in front (north) of the garage.**

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

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

NOW, THEREFORE BE IT ORDAINED, that the Unified Development Ordinance and the Zoning Maps of McHenry County and such Ordinances and such maps as amended, be and the same are

hereby amended to ***allow for a minimum setback of fifteen (15) feet from the minimum fifty (50) feet required from the North lot line for a detached accessory structure, subject to the following condition: Any parking of vehicles outside of the garage shall be located on the asphalt to the east of the structure and shall not be located in front (north) of the garage.***

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

DATED this _____ day of _____, 2026.

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 Z26-0001**

1. **Recommendation:** Approve
2. **Applicant:** Angel Guzman, Owners of Record
3. **Request:** Variation within the R-1 Single-Family Residential District to allow for a minimum setback of fifteen (15) feet from the minimum fifty (50) feet required from the north lot line for a detached accessory structure. (McHenry County Unified Development Ordinance §16.56.050.A.2.d)
4. **Location and size of property in question:** The subject property consists of approximately .78 acres and is located on the south side of Hayden Drive, at its intersection with Riverdale Drive, in McHenry Township, Illinois. Common address: 813 Hayden Drive, McHenry, Illinois. PIN: 10-08-178-013
5. **Present at hearing:**
Applicant: Angel Guzman
Michael J. McNerney, Hearing Officer
Kim Scharlow, County Staff; Kit GearhartSchinske, County Staff
Public: Adam Vick, Angel Guzman
6. **Date, time and location of the hearing:** at 11:00a.m., McHenry County Government Center, Ware Road Administration Building, Woodstock, IL 60098.
7. **Items of evidence:**
Official Site Plan, Application to allow variance, Natural Resource Information Report, McHenry-Lake County Soil & Water Conservation District Letter of L26-002-4785.
8. **Summary of Testimony at the hearing:**

The Hearing Officer opened the meeting, described the property, and the request. The applicant would like to build a detached garage where a garage previously existed.

Mr. Vick, on behalf of the McHenry Township Road District, requested that the structure be moved back twenty (25) feet from the right of way. He stated that the township is opposed to all new construction close to the road because it makes plowing the road difficult.

Staff asked the applicant for clarification on the septic location. Mr. Guzman stated that he hired a septic company to locate the field. He stated that he would not be able to move the structure backward due to the location of the septic field.

Mr. Guzman referred to his Plat of Survey to show the distance between the right of way and the proposed garage, which is approximately fifteen (15) feet. Mr. McNerney asked the applicant if he would agree to a condition to state that any parking outside of the garage shall be limited to asphalt (existing as of the of this date 3/10/2026) on the east

side of the proposed garage and parking shall not occur in front (north) of the proposed garage. Mr. Guzman agreed to the condition.

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

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

Respectfully submitted,

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

McHenry Township
PLAN REVIEW REPORT
VARIATION REQUEST APPLICATION #Z26-0001

Hearing Date: March 10, 2026

Applicant: Angel Guzman, Owner of Record

Request: *Variation* within the **R-1 Single-Family Residential District** to allow for a minimum setback of fifteen (15) feet from the minimum fifty (50) feet required from the north lot line for a detached accessory structure. (*McHenry County Unified Development Ordinance §16.56.050.A.2.d*)

Location: The subject property consists of approximately .78 acres and is located on the south side of Hayden Drive, at its intersection with Riverdale Drive, in McHenry Township, Illinois. Common address: 813 Hayden Drive, McHenry, Illinois
PIN: 10-08-178-013

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: *SINGLE-FAMILY RESIDENTIAL/VACANT* West: *SINGLE-FAMILY RESIDENTIAL*

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

Adjacent Zoning: North: *R1 Single-Family Residential/LN* East: *R1CV Single-Family Residential/LN*
South: *R1/R1V Single-Family Residential/LN* West: *R1 Single-Family Residential/LN*

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

Improvements: The Plat of Survey for the subject property reflects a one (1) story frame residence, frame shed, pole barn, wood fence, and areas of concrete, asphalt and brick.

Natural Resources: No wetlands were found on the site. Impact to natural resources from the proposed use is minimal, according to Natural Resources Inventory (NRI) Letter L26-002-4785.

Flood Hazard Areas: No floodplain was found on site.

Flood-of-Record: No flood-of-record was found on site.

SARA: The site IS NOT located in a zone with elevated aquifer contamination potential, according to the McHenry County Sensitive Aquifer Recharge Area (SARA) map.

Comments/ Conclusion:

- The granting of the requested variance would allow the landowner to apply for a building permit for the accessory structure in the proposed location.
- 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

813 Hayden Drive, McHenry, Illinois

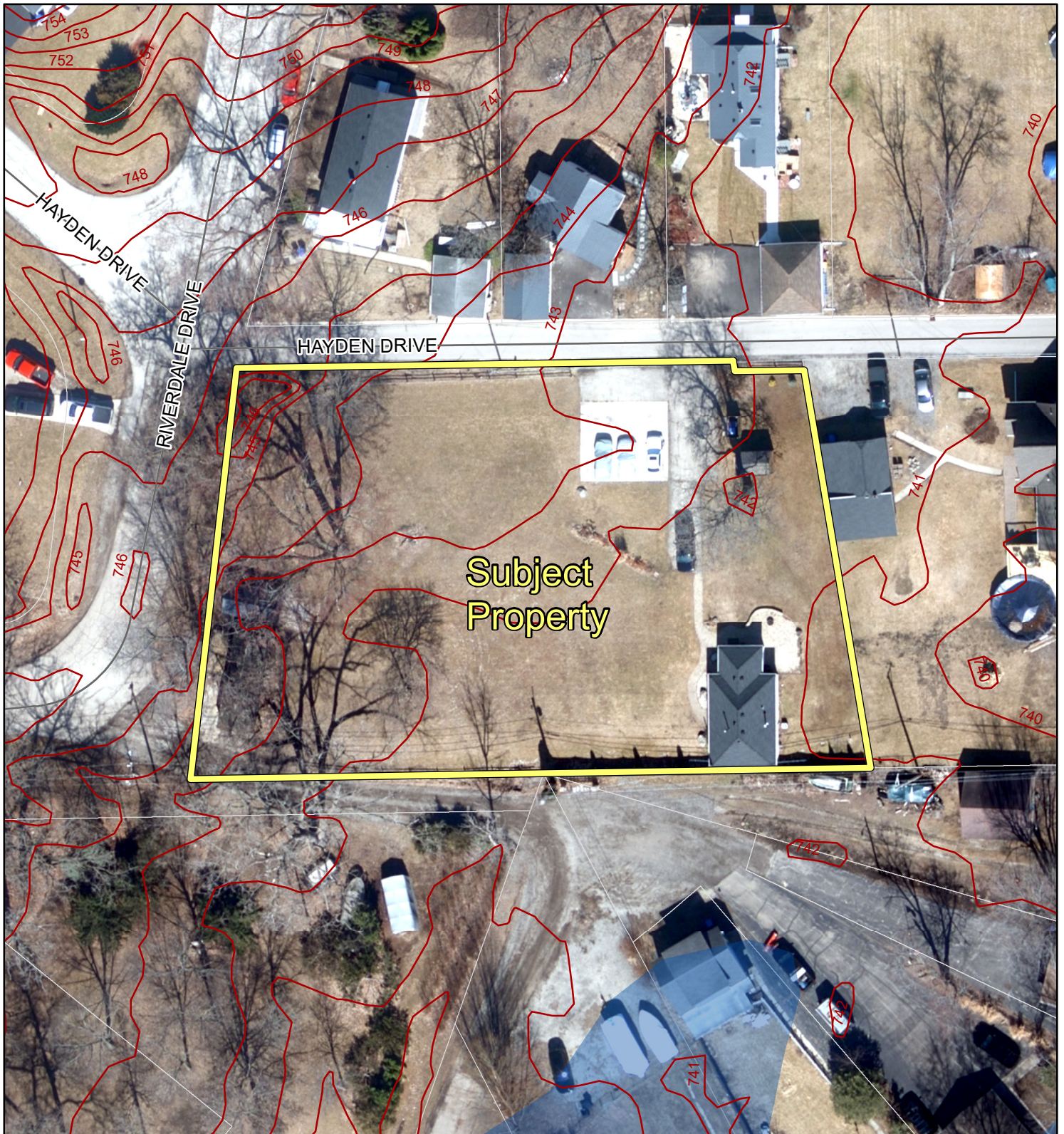


Photo: 2025

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

FEMA Flood Hazard Areas

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

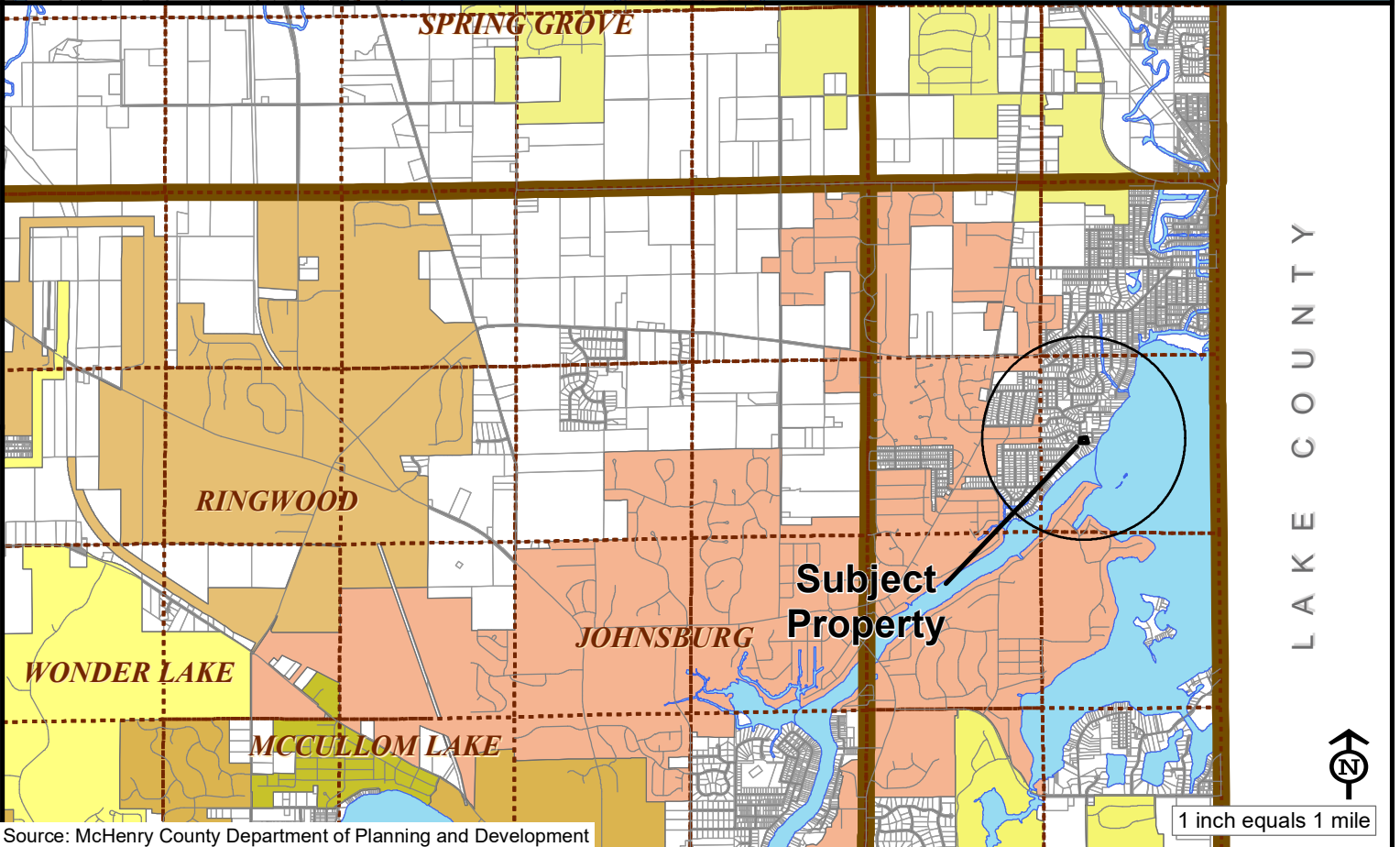
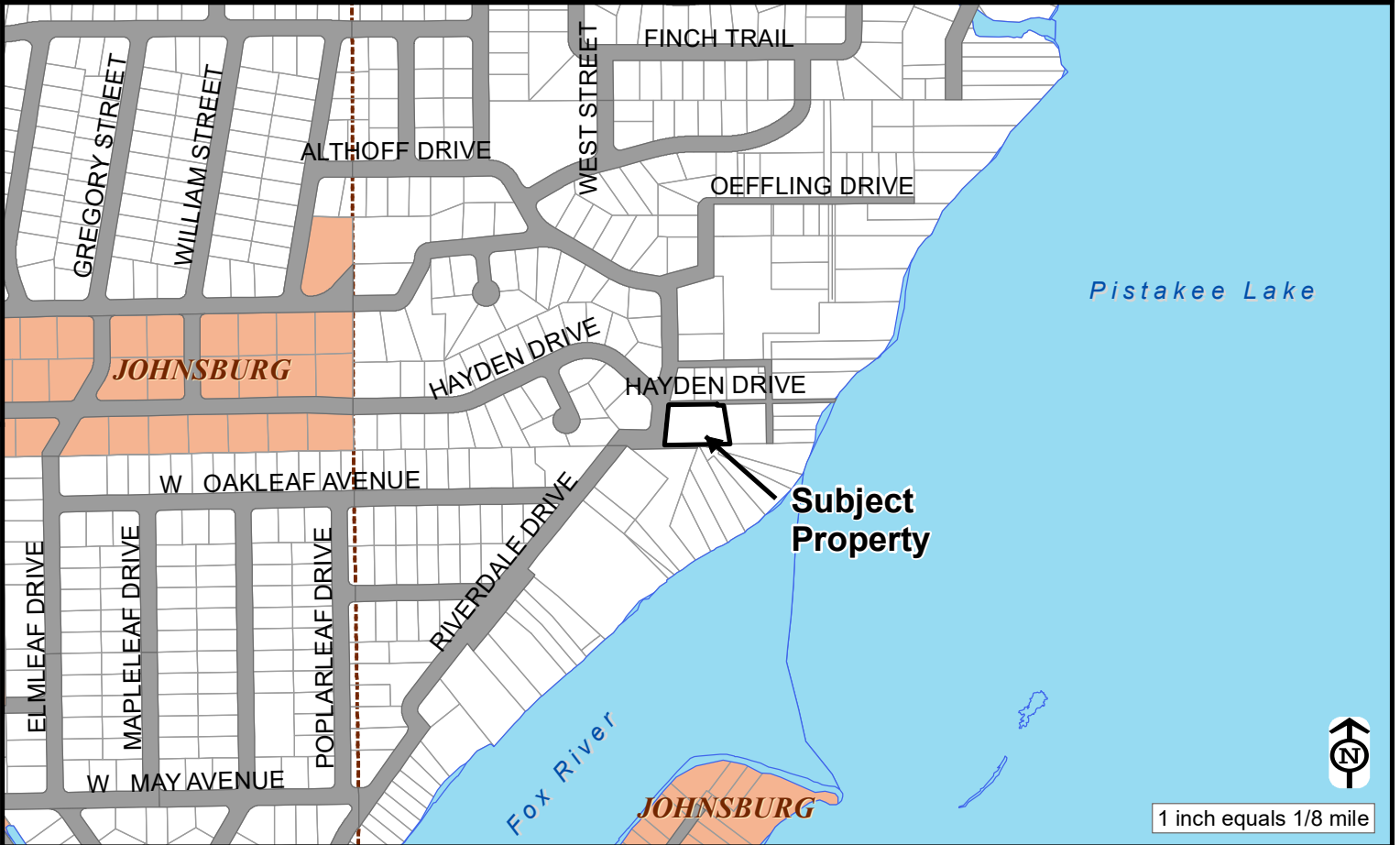
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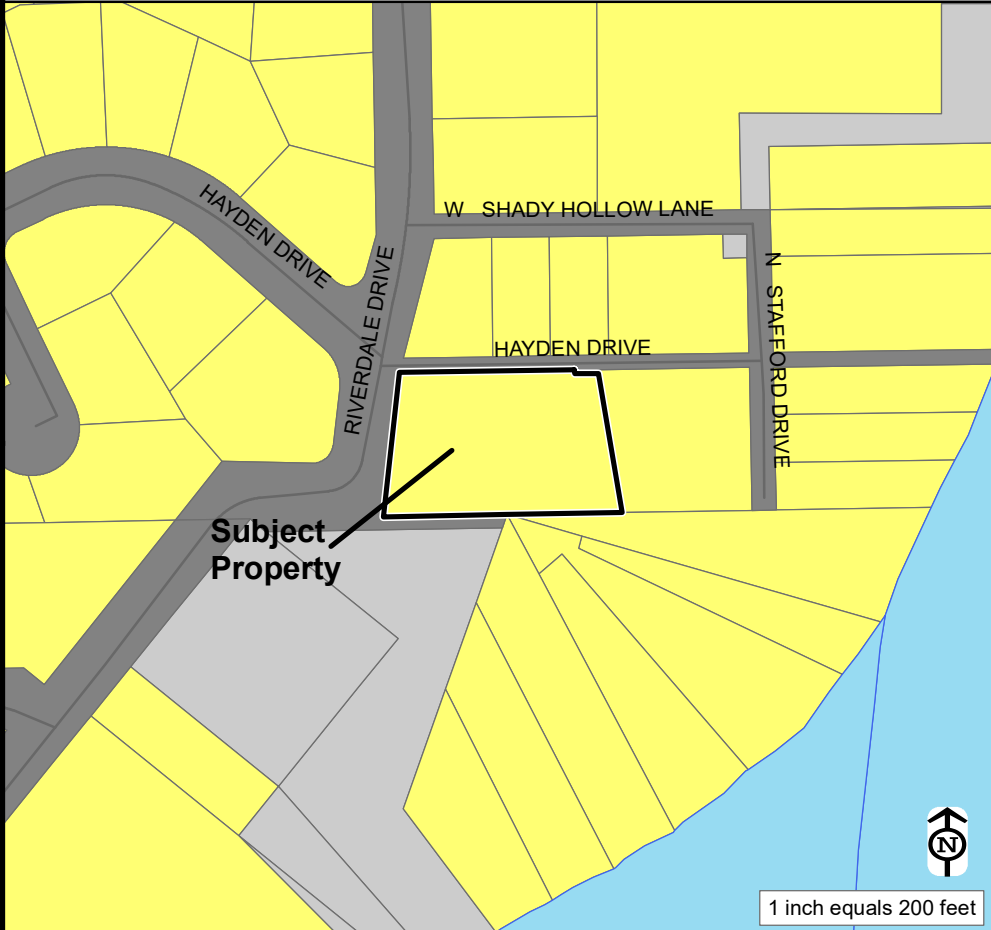
Feet

Prepared by the McHenry County
Department of Planning and Development





Current Land Use Map



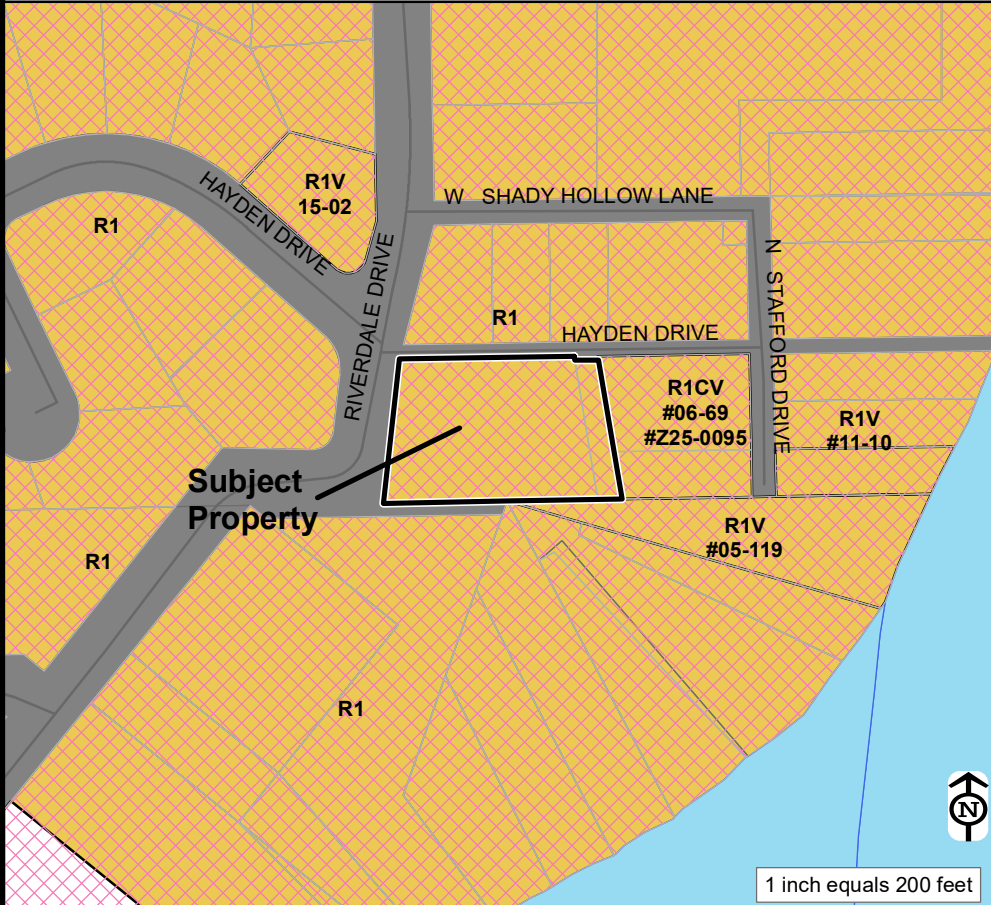
Current Land Use
Single-Family Residential/Vacant

Land Use Adjacent to the PIQ

North: Single-Family Residential
South: Single-Family Residential/Vacant
East: Single-Family Residential
West: Single-Family Residential

- Agriculture
- MCCD Agriculture
- Single-Family Residential
- Multi-Family Residential
- Open Space
- Golf Course
- Commercial
- Office
- Industrial
- Mixed Use
- Earth Extraction
- Vacant
- Government / Institutional
- Transportation, Communication, Utilities
- Under Review

Zoning Map



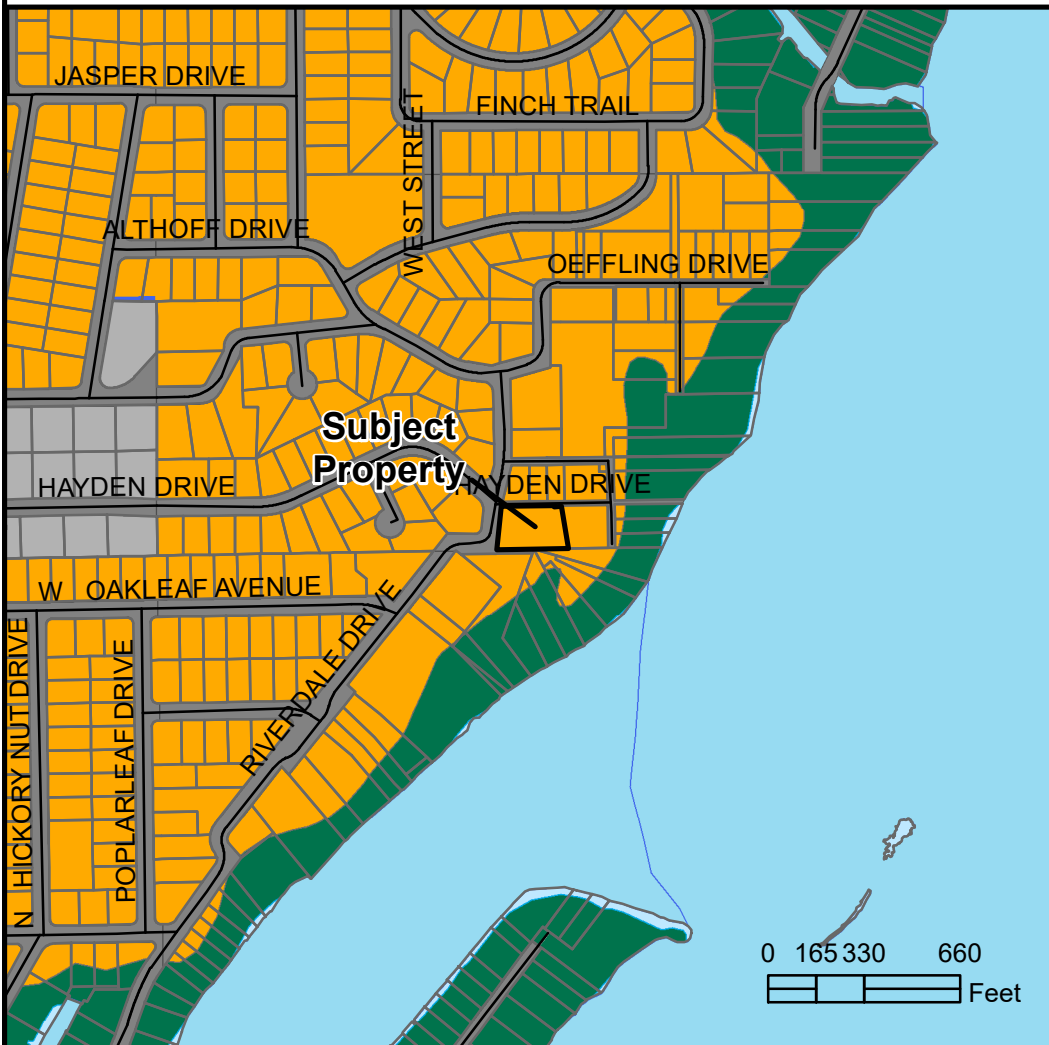
Current Zoning
R-1 Single-Family Residential/LN

Adjacent Zoning

North: R-1 Single-Family Residential/LN
South: R-1/R1V Single-Family Residential/LN
East: R-1CV Single-Family Residential/LN
West: R-1 Single-Family Residential/LN

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

McHenry County 2030 Comprehensive Plan Future Land Use Map



Future Land Use Map Designation

Residential

- Agricultural
 - Open Space
 - Environmentally Sensitive Area
 - Estate
 - Isolated Estate
 - Residential
 - Isolated Residential
 - Retail
 - Mixed Use
 - Office, Research, Industrial
 - Gov't, Institutional, Utilities
 - R.S. TOD Existing Rail Station
 - R.S. TOD Future Rail Station
 - Active Earth Extraction Site
 - Municipality
- Scale: 1 inch = 1/8 mile

Municipal/Township Plan Designations

McHenry Township: Residential

Johnsburg: Medium Density Residential

Spring Grove: No Designation

Fox Lake: Low Density Residential

McHenry County 2030 Comprehensive Plan — Text Analysis

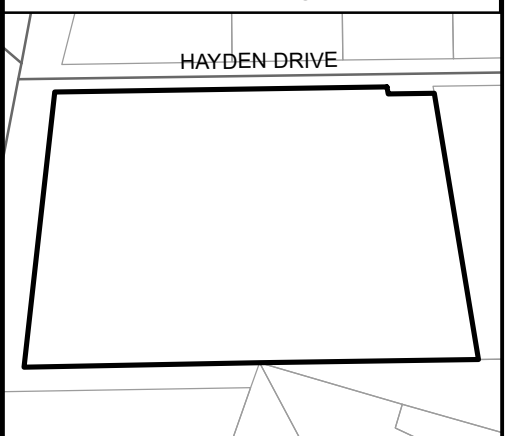
Land Use

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

Sensitive Aquifer Recharge Areas

The site IS NOT located in a zone with elevated contamination potential.

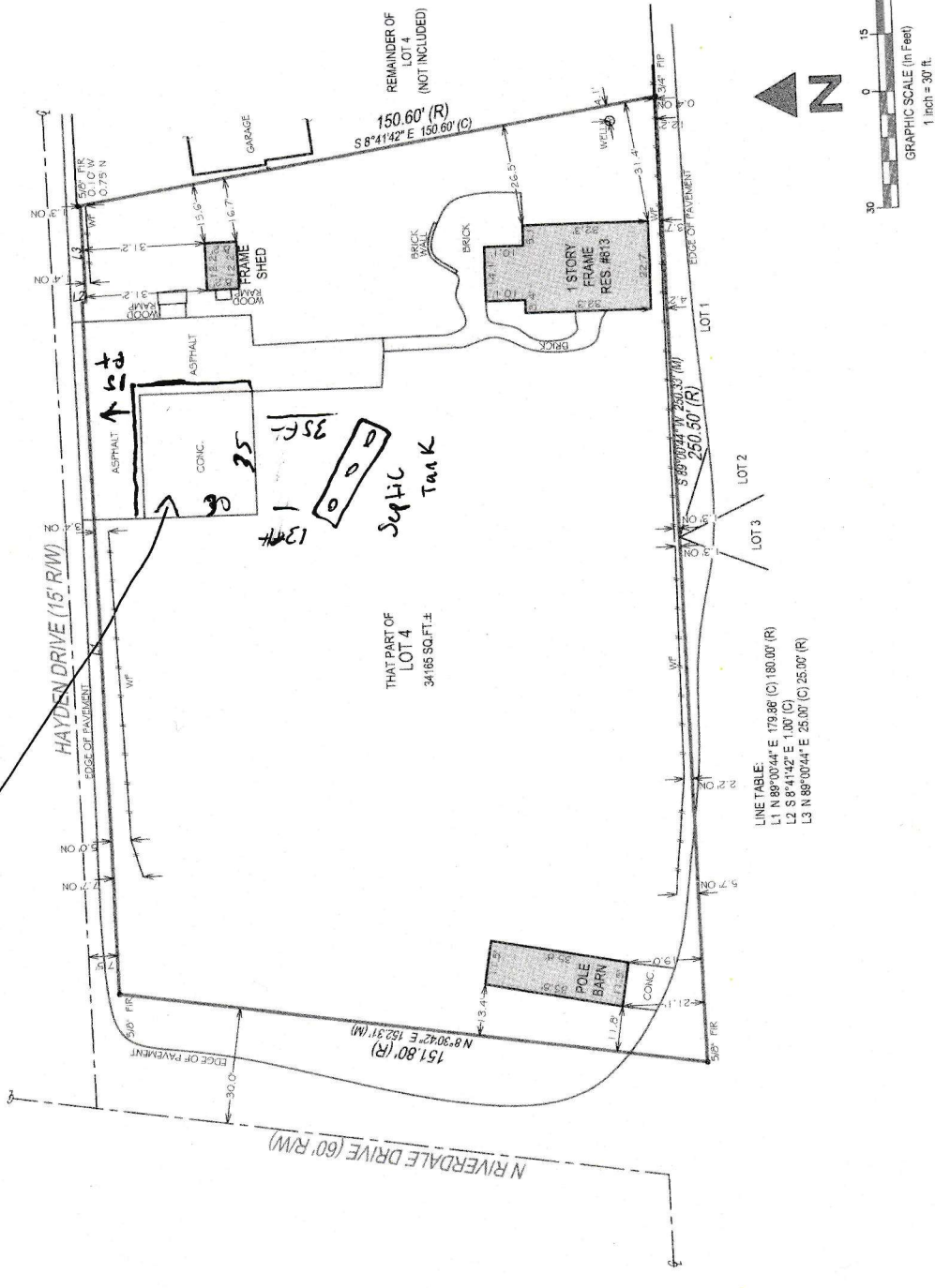
Sensitive Aquifer Recharge Areas (SARA)



Sensitive Recharge Area

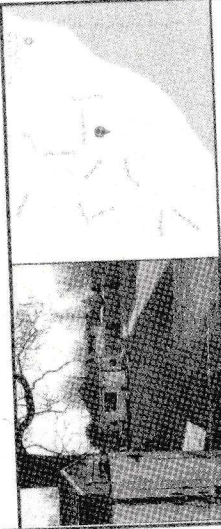
Proposed Garage 30x35x12

2403.2894
BOUNDARY SURVEY
MCHENRY COUNTY



SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

Monty Boatright
Law Offices of Monty Boatright



PROPERTY ADDRESS:
813 HAYDEN DRIVE, MCHENRY, ILLINOIS 60051

SURVEY NUMBER: 2403.2894

DATE SIGNED: 03/20/24 FIELD WORK DATE: 3/19/2024

REVISION DATES:
(REV) 3/20/2024

POINTS OF INTEREST
NONE VISIBLE

STATE OF ILLINOIS }
COUNTY OF LASALLE } SS

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY, GIVEN UNDER MY HAND AND SEAL THIS DATE HEREON.

W.D. JOHNSON

035-002971
PROFESSIONAL
LAND SURVEYOR
SANDWICH, IL

STATE OF ILLINOIS

ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2971
LICENSE EXPIRES 11/30/2024
EXACTA LAND SURVEYORS, LLC
PROFESSIONAL DESIGN FIRM 194008059-0008

EXACTA
Land Surveyors, LLC

Exacta Land Surveyors, LLC
P.L.S.# 194008059
o: 773.305.4011
316 East Jackson Street | Morris, IL 60450



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



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

January 6, 2026

Lisa Pudelek
813 Hayden Dr.
McHenry, IL 60051
Email: angelguzman773@gmail.com

Re: Parcel # 10-08-178-013
Common Location: 813 Hayden Dr., McHenry, IL
NRI# L26-002-4785
Zoning Change: Variance for detached garage

Dear Ms. Pudelek:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for Natural Resource Information Report on the Angel Guzman property as applied for in Report #26-002-4785. 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 inventory is for informational and planning purposes only. Any proposed drainage work, in wet areas, requires a certified wetland delineation. If drainage work is to occur, please contact the Army Corps of Engineers and McHenry County Department of Planning & Development for permit information.

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