

**DATE:** May 6, 2026

**TO:** McHenry County Hearing Officer / Zoning Board of Appeals

**FROM:** Kostian Iftica, Richmond Township Resident

**RE:** Supplemental Evidence and Legal Argument regarding Petition #Z26-0015

Dear Hearing Officer,

Please accept this supplemental objection for inclusion in the official record for Petition #Z26-0015. Following the testimony provided during the April hearing, several critical admissions were made that underscore why this variance fails to meet the legal standards set forth in the McHenry County Unified Development Ordinance.

### **1. Admission of "Extreme" and "Unprecedented" Nature**

During the hearing, the Planning Department testified that **“we've never had anyone request a variance to this extent”** regarding home occupations. By the County's own admission, this is not a minor adjustment; it is an extreme departure from the UDO.

Under Illinois law and the UDO, a variance is reserved for unique physical hardships of the land.

### **2. The "Driveway Loophole"**

The Petitioner's attorney argued that because the property is 270 feet from the road and "cannot be seen" behind trees, the variance should be granted. This argument creates a dangerous "Driveway Loophole" for all of McHenry County.

Zoning is fundamentally a regulation of Land Use, not Visibility. If "you can't see it from the road" becomes the new legal standard for granting variances, then the ZBA is effectively nullifying residential protections for every large-lot homeowner in the County.

If this is approved, any resident with a long driveway could legally demand the right to run a commercial business or a multi-employee high-traffic office, regardless of the residential character of the neighborhood.

### **3. Self-Created Hardship via Administrative Choice**

A variance cannot be granted for a "self-created" hardship. The Petitioner claims they "must" have three to four part-time employees. However, a review of neighboring townships proves this is an administrative choice, not a land-based necessity:

Township	Res Impr Parcels	Additional Staff	Efficiency
Richmond (Ours)	2,354	4 Part-Time	471 lots / person
Chemung	2,412	1 Part-Time	1,206 lots / person
Marengo	2,208	0 Employees	2,208 lots / person
Burton	1,824	0 Employees	1,824 lots / person

Marengo and Burton townships handle nearly identical workloads with **zero** additional employees other than the Assessor. The Petitioner’s choice to hire staff that exceeds the capacity of their home UDO allowance is a personal and administrative preference. It is not a "hardship" that the ZBA is legally permitted to remedy via a zoning variance.

**4. Township Building was not built in 1982**

During the April testimony, Supervisor Metz & Trustee Freund claimed the Town Hall was built in 1982. Public records and permits prove it was built in **1999**. It is a modern, ADA-compliant facility designed to handle the public's business. The township residents voted overwhelmingly in April 2025 to build an office there for the Assessor and it is ready.

**5. Threat to County-Wide Zoning Integrity**

The Hearing Officer rightly questioned if this would "set a trend." **The answer is yes.** Approving a variance based on "administrative bloat" and "property depth" would provide a roadmap for every future applicant to petition and bypass the UDO. This Board has a duty to protect the integrity of the 2014 UDO, which has served the County well for over a decade.

**Conclusion** The Petitioner has failed to prove a unique physical hardship of the land. Instead, they have proven a desire for administrative convenience. Granting this "extreme" variance would set a precedent that undermines residential zoning for all McHenry County residents.

I respectfully request that the ZBA **deny** Petition #Z26-0015.

Sincerely,

Kostian Iftica

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 Richmond, IL