

**Village of Fox Lake  
Building and Zoning Meeting  
October 14, 2008**

***Immediately following the Parks and Recreation Committee Meeting***

**I. Call to Order**

The Meeting was called to order at 6:18 p.m.

**II. Roll Call**

Present were Chairman Working, Trustee Murrey, Trustee Bender, Trustee Koske, and Trustee Ulasz. Trustee Kiesgen was absent. Also in attendance were Mayor Irwin and Building Commissioner Hart.

**III. Approval of Prior Meeting Minutes**

Chairman Working asked if there were any questions or clarifications to the minutes of September 9, 2008 Meeting Minutes. There were no comments and will stand as presented.

**IV. Old Business**

Chairman Working asked Bill to give an updated on the Drystack/Hotel Project. Bill Hart stated due to the fact that it has been sitting so long the Engineer and myself have directed them that they have to seed it and stabilize it for the winter months. I did talk to the project manager today and they are going through the same problems as everyone is right now, they are waiting on a decision from the bank to continue and that seems to be the major issue at this point.

**V. New Business -**

Zoning Board of Appeals Recommendation for a Variance of the R-2 Zoning for a rear yard reduction on property at 523 Kings Road

Chairman Working stated the Zoning Board had no issues regarding this request; he is tearing down the existing house and he needed 23-foot variance. There were no concerns stated; Chairman Working stated he would make a motion at the Board meeting this evening.

Zoning Board of Appeals Recommendation for a hearing for use to establish a Gun Smith Shop at 714 E. Grand Ave.

Chairman Working stated they came before the Zoning Board; this will be a repair shop only no weapons for sale, no ammo for sale. He has talked to Chief Behan regarding the safety and the amount of safeguards that he has to put in place to ensure all weapons on premises are secured properly. He will basically only have shot guns and deer hunting rifles. Bill Hart stated when he first came to us, I sent him to the Chief. He went through the requirements with him; he has to have a Federal Arms license. Bill Hart stated as a side note, this is a use that was not listed in the Zoning Ordinance; the ordinance says is if the use is not specifically listed in the section of permitted uses it shall be assumed that such uses is prohibited unless by written decision of the Board of Appeals it is determined said use is similar and not more objectionable than uses listed. It doesn't indicate Board action; what we have done is ask for a motion on the Zoning Board level.

We had an issue come up over the Tattoo place; I have never had a tie vote at the Zoning Board before, we had a tie vote, I discussed it with Chairman Working and the directions were to go ahead with it. There isn't a procedure to bring it to the Village Board; it is not listed in the ordinance.

Trustee Bender asked if it was a tie vote, why were they given approval? Bill Hart stated he took it to his chairman and he felt it was all right. Chairman Working stated not that is was all right but there was no clear direction from the Zoning Board, the individual could come back with litigation because there was not a clear decision one way or the other. Since it wasn't denied, it can't come to the Village Board; to not pursue litigation I told Bill if they pass all the requirements of Lake County and State of Illinois that we can't deny them. Bill Hart stated the State Regulations don't into play until January of 2009 and that would only be with an agreement with Lake County Health Department. We know the State does not intend to be the enforcement agency. This is the 3<sup>d</sup> Tattoo business in town; we have gone through the same procedure on all of them. We had to do the same procedure for the dog day care on Sayton Rd. as well; it is the procedure that has to be followed. Trustee Bender stated we are being criticized for having three so closely together. The last approved Tattoo Parlor's Owner stated there was a state regulation that they can't be any closed than one mile, but when we call the State they stated there was no such regulation. Trustee Bender stated it is not good for our image.

Trustee Koske asked could we pass an ordinance that limits say 2 tattoo parlors in town? It was suggested we talked to Attorney Teegen for a recommendation; we don't want to discriminate against any type of business.

Trustee Murrey stated I don't think you can contract zone it; you do similar to other communities have done with the adult only stores, it is only allowable in M-1 Zoning. If you are concerned we can make that requirement, it would make the businesses inpractable but not impossible. I think this is more practible; otherwise you do a percentage, how come three and not four, could be a problem with lawsuits. Trustee Koske stated Long Grove did it with the Banks, Trustee Murrey stated this is Fox Lake, Trustee Koske stated it is still the law. Mayor Irwin stated it was efficiently done under Mayor Pappas for the adult use in the Manufacturing Zoning. Trustee Koske stated we could be proactive that if this is not what we want; that we do something to assure it gets resolved. Bill Hart stated we could classify it as an adult use in the Zoning Ordinance and that may be one way of dealing with it; I will check with Howard and report back to the Committee. Chairman Working stated if the tattoo parlors were changed to M2 Zoning that would pretty much take are of the problem. Chairman Working stated we would address that at the next Zoning meeting in November.

#### Acceptance of Holiday Park Subdivision

Chairman Working stated Bill has gotten together with everyone and has had everyone sign off on this include Street Department, Water and Sewer Department, Engineers, etc. The have signed off to accept the streets, maintenance of streets etc. Trustee Murrey asked if we are also going to listen to the recommendation of the Village Engineers for the maintaining the 10 % retainage for 18 months. Chairman Working stated yes, Trustee Murrey stated we should add that into the motion. Trustee Murrey asked why is it set at 18 months; Bill Hart stated that is by Ordinance. Bill Hart stated the final acceptance is handled the same way, as it has to be reviewed by all departments. There was no other discussion on this item.

#### Signage Request for Grant Township Area Athletic Association

Chairman Working stated they have submitted a request for some signs up for their registration drive or event. They provided a list of request location. They are requesting for October 26<sup>th</sup> for a period of one week. Bill Hart states this falls in line with offsite signage. We haven't had any issues with it but I have been telling everyone to put in a letter of request. They are also asking to waive the permit fee of \$40.00. If there aren't any concerns I will make that motion tonight. There were no concerns stated.

## **VI. Comments by Building Commissioner Hart**

Bill Hart stated he went out with Dan Miller today; he was getting requests for sand bags on Duck Lake. That seemed strange since the Chain in down below normal; we went out to Knollwood Rd. and there is 8 inches of water on the roadway, the lake is probably 2 feet above normal. We are working with the Fire Department so we can get a boat so we can look at it; the drain that runs under Rollins Road for squaw creek is running, but the water is extremely high. I do not know the reason, I have talked to Lake County Stormwater Agency and they have not had any complaints. We have had problems in the past because of the wetlands behind the fitness center with beavers; we are continuing to investigate to find out the reason for the high water.

## **VII. Committee Comments**

Chairman Working stated I noticed an article in the IML Review, it is something we should start looking at, it is titled City Seeks Recourse for Foreclosure Cost, I will make sure everyone gets a copy but it talking about how different Village Ordinances has tightened up the rules for vacant houses, unkempt yards etc. and Violators can be fined up to \$1,000 per day for unkempt property leading to a lien on the property. Bill Hart stated with the CSO's and the unkempt homes, the banks are out of state and very difficult to be able to talk to anyone. Possibly Howard may have some additional suggestions on that situation. Chairman Working stated we need to get some ordinances in place to maintain some semblance of niceness in this Village, being pro-active with the different homes that are being foreclosed.

Trustee Murrey stated 166 E. Grand Ave, I am getting tired of getting a message from neighbors in my mailbox, and I understand it was a snafu, but the contiguous landowners on either side sending these back and forth. The Village will start sending a weekly letter why this thing is sitting dormant. I get this message from one or another person every month. It is being handled, it is being this or being that, I understand but we need to set a policy right here and now since this falls under the Building Department that this Village is going to send a letter every week or every two weeks or something and maybe someone will get off their duff and get this thing done. We either have to get nasty and condemn the property, get the State involved since this was originally a state drain or state easement; it is one of the things that we never got an agreement to go through someone's property. God knows when it was put in, I understand the hurdles, but what upsets me is the people don't know what is going on and something from this Village officially why it is sitting in the status it is. Chairman Working stated I would get with Howard on this because his problem was: Trustee Murrey said can't get a hold of the owner, then they found the owner, then the owner is sick, now the Kids in New Orleans or Texas doesn't understand the importunacy of this drain. Someone needs to pick up their dead duff and get this thing going. Chairman Working stated he would talk to Howard. Trustee Murrey stated he would like in the minutes some form of proper notification to the contiguous property landowners. Here we got a band of homes, we have Code Enforcement why aren't we tagging his property? Cleaning up the trees and so forth, I got to see one more picture of a tree that fell. Let's get this code enforcement thing done, instead of it just sitting here, and the people thinking we are twiddling our thumbs not doing anything. I want this Village: Mayor Irwin stated the CSO's have been out on the property, tickets have been written. I have been with Bill, the property is tagged, but it is an out of state bank, an out of state owner, we have tried. We need to get a system so we can lien a property. We would like to do the same thing with the Miles property as far as cutting the grass we call them every week. They say they will get someone out here, he sends his Dad out to cut it; in the meantime it looks terrible. We have to get tougher, Trustee Murrey stated thank you, instead of having the Attorney, let's direct our force what to do. If we can't get any action out of our Attorney then we need to look at Special Counsel. Mayor Irwin stated we need to get stronger with our ordinances. Trustee Murrey stated I feel like a recording every time I talk to these people, that is the problem, two years this has been going on, the pipe has sat in our maintenance facility for a year. Let them take us to court. Chairman Working stated he will talk to Howard, and I do know he has written the agreement and is just waiting on a signature and he can't

get a signature, Trustee Murrey said then we need to take it to court. I understand we took over the maintenance, but I am sure there is someone that can validate that this was while the state was operating the drainage and they were still utilizing it and probably still are. Show us something new besides we are waiting for the Attorney.

Trustee Bender stated Big Hollow School, we go through all the semantics and then we have to get a letter from Reserve One, all these cul de sac are made to turn fire trucks around, why can't Big Hollow School send a bus to pick up the kids, instead of picking them up on Frontage Road. They are requesting a special bus stop at the end of the hill, I thought the kids weren't to walk 50 feet along the road or something like that, what is going on with this thing or does this go to the Attorney too. Bill Hart stated the suggestion has been made to Mr. Pazanin was to go up the driveways; they stated they will not go up any driveways. The subdivision drawings for Duck Lake included a walkway along the side of the road; the part of the Village Road is walkable. We were out there with Trustee Kiesgen and Dan Miller; the developer has been put on notice that he has to install that roadway and the only way to go forward is to go to court. Mayor Irwin stated Mike Behan and I had gone out due to a complaint from a resident. Bill Hart stated he has received a number of calls where they are trying to get the developer to put the sidewalk in. The roadway is in the Village; the area where the sidewalk is supposed to go is not. Chairman Working stated a letter from the Developer stated that the path is scheduled to be installed in Spring of 2009. Bill Hart stated the Village Roads are wide enough; Ron Panzanin just doesn't want to do it. Trustee Murrey stated then the parents should go to a School Board Meeting. Chairman Working stated Reserve One knows their plans call for a 5 foot walking path, they plan on doing it Spring of 2009, we will stay on top of it.

#### **VIII. Audience Comments**

Glenn Close asked what about the school at 134 and 12, grass hasn't been cut, that is high visibility for the Village. A home and subdivision not everyone sees which is more important. Trustee Murrey stated for everyone's information they were out cutting the grass today. Chief Behan stated we were there twice to cite them for that, also 166 Grand has been cited, the curve is what the residents are talking about in Duck Lake, the S curve on Chris Larkin and that is not in the Village but we have officer there in the morning to slow the people down. The kids have to come down to the frontage road to get the bus.

#### **IX. Adjournment**

There being no other business to discuss the Committee Meeting was adjourned at 6:48 p.m.

Carol Ward  
Deputy Clerk