



## **PLANNING & ZONING COMMISSION MEETING MINUTES**

**66 Thillen Drive, Fox Lake, IL 60020**

**September 11<sup>th</sup>, 2019 6:30pm**

**Public Hearing for the Petition of Jim & Diane Scardino, requesting a Special Use Permit to operate short-term rentals at 258 Lippincott Lane**

### **I. Call to Order**

**Chairman Gauger opened the public hearing for the petition of Jim & Diane Scardino, requesting a Special Use Permit to operate short-term rentals at 258 Lippincott Lane at 6:35pm.**

### **II. Roll Call**

#### **Present**

Commissioner David Schultz

Commissioner LaPiana

Commissioner Niki Warden

Commissioner Tim Foster

Commissioner Debra Vander Weit

Commissioner Legge

Chairman David Gauger

### **III. Hearing**

**The Petitioners, Jim & Diane Scardino, are seeking Planning & Zoning Commission consideration for a Special Use Permit to operate short-term rentals at property commonly known as 258 Lippincott Lane.**

The Petitioners own four (4) units on a single lot, with each unit having ample parking. The total occupancy for unit 1 is six (6) adults, units 2 and 3 are two (2) adults, and unit 4 is four (4) adults. Units 3 and 4 are currently occupied by long-term tenants.

Owner of property, Diane Scardino detailed both personal and professional backgrounds of her and husband Jim. Mr. & Mrs. Scardino plan to live in unit 1 when Jim retires. Mrs. Scardino referenced the 'before and after photos' displayed. She recounted the work they have done to restore the once rundown and dangerous property units, back to safe, functional, year round rental

use. The Scardino's have been voluntarily helping to care and clean up for the Tweed Recreation Park and have used their money in doing so. Diane explained the reasons why they want to switch from exclusively long term rentals to short term rentals, such as being able to monitor more closely and maintain the property better. The Scardino's have found it difficult to find long term tenants to properly take care of the properties. Mrs. Scardino spoke of the Short-Term Rental Contract & House Rules and Regulations' and the consequences of breaking those rules. They have ten (10) installed cameras outside, noise monitors, security systems, and remotely controlled digital door locks in each unit. Mr. & Mrs. Scardino currently live 20-25 minutes away and have provided several of the neighbors with their personal cell phone numbers. The Scardinos have been talking with many of their neighbors to address their worries and concerns.

Jim Scardino expressed his disappointment of the public comments that were made. Mr. Scardino detailed the continuous clean-up of broken glass, syringes/needles and other garbage from the Tweed Park. Mr. Scardino shared his intentions of continued maintenance and managing of the property, intentions of using the property with their own family and friends and eventually living on the property when he retires.

#### **IV. Commission Comments**

Chairman Gauger informed the audience that the Planning & Zoning Commission is a Recommendation Board. The commission will either approve or deny a motion and that recommendation will then go to the Village Board. The Village Board makes the final decision of the petition. Chairman Gauger added that any motions made at this board are called ***positive motions.***

Commissioner Warden informed the audience that years ago residents informed the Village of the problems they were having with property owners/neighbors hosting short-term rentals. The Short-Term Rental Ordinance was then created in 2015 and a process put into place to obtain the Special Use Permit for a Short-term rental. Since 2015 there have been seven (7) approved short-term rentals.

Commissioner Schultz mentioned an article that was published about Airbnb suing municipalities that are banning Airbnb rentals because of property owner's rights. Commissioner Schultz applauded the Village of Fox Lake for being pro-active and having a short-term rental process in place to help regulate.

#### **V. Commission Questions**

Commissioner LaPiana asked how the current security system in place is monitored.

- Mrs. Scardino replied that Vivant Smart Home App is the security system currently being used. Vivant sends alerts whenever smart door locks, security cameras or security system sensors sounds an alarm.

#### ***7:12pm -7:15pm meeting paused for Tornado Siren***

Commissioner Vander Weit asked how the Scardino's would address the possible pier access.

- Mrs. Scardino replied that the pier has not yet been decided yet.

Commissioner Legge asked if one (1) group of people would be able to rent out all four (4) units and how a situation like that would be monitored.

- Mrs. Scardino stated they would not encourage large group bookings to stay away from ‘party-like’ situations.

Chairman Gauger and Commissioner LaPiana asked for clarification of using of the name Flow Short Term Rental, LLC in the Guest Confirmation Agreement.

- Mr. Scardino replied the LLC (Limited Liability Company) is currently in the process of discussions. A LLC protects the owners’ personal assets.

Commissioner Schultz asked if this was the Scardino’s first experience being an Airbnb host.

- The Scardinos have been managing another Airbnb for a while and are familiar with the processes.

## VI. Public Comment

Resident Joan Loftus addressed the reasons why she disagrees with allowing short-term rentals in R2 zoning areas (One-Family Residence District). Mrs. Loftus specified increased traffic, noise, possible trouble and creating a negative effect on property values.

Resident and current real estate broker Victoria Livorsi specified the reasons why she disagrees with allowing short-term rentals in R2 zoning districts. Mrs. Livorsi foresees short-term rentals having a negative impact on the community with concerns of safety and invasion of privacy. Mrs. Livorsi stated her concerns of the property not having a pier with winter rentals using snowmobiles and disagreed with the profit motives of short-term rental property owners. Mrs. Livorsi also reported a discrepancy for the allowed occupancy on the submitted short-term rental Guest Confirmation Agreement and questioned the use of the name Flow Short Term Rental, LLC.

- The Commission noted and confirmed the discrepancy with occupancy in the Guest Confirmation Agreement. The Special Use Permit for short-term rentals is tied into the rental guidelines and is required to be followed.

Resident Shirley Fremaux voiced her disapproval of allowing short-term rentals because of the increased traffic and experience with previous renters.

Resident and former renter Sean Pettibone shared his experience staying at the property. In 2011 Mr. & Mrs. Pettibone rented Unit 1 from the Scardinos for three (3) months, while deciding on a place to live. During the three (3) month stay it was confirmed Fox Lake was where they wanted to live and purchased their current home at 43 N. Holly Ave, Fox Lake.

Resident Mike Livorsi shared his concern with short-term renters using a proposed pier, boating, having watersports and the liability that would come along with it.

- Commissioner Foster agreed there is a large liability but it is the responsibility of the property owners. Commissioner Foster also explained that by having a granted, Special Use Permit for a short-term rental is a privilege. If rules are broken and violations created, the Special Use Permit for a short-term rental can be revoked.
- Commissioner Schultz encouraged the neighbors and property owners, Mr. & Mrs. Scardino, to have open lines of communication.

Resident Clinton Podraza voiced his disapproval of allowing short-term rentals and SRO’s in R2 zoning districts. Mr. Podraza shared his experience, when building his home (eight) 8 years prior, and the difficulty he had obtaining permits and re-zoning due to the R2 zone.

Resident of three (3) years Andy Tobutt complimented the Scardinos of the work they have done to improve the property. Mr. Tobutt shared concern of when Mr. Scardino planned to retire and move into unit 1. Mr. Tobutt believes if Mr. Mrs. Scardino lived on the property, there would be less concern in the neighborhood.

Resident Kara Baran shared her disapproval due to past experiences she had living in a Chicago building with short-term rentals. Mrs. Baran is also a property owner with multiple rentals. Mrs. Baran addressed issues with transient traffic and the challenges created if the property owners are not available if a problem arises.

Resident Bill Collins said short-term rentals should not be allowed.

Resident Matt Berger expressed his appreciation of the work the Scardino's have done to improve the property. Mr. Berger stated concern of the processes in place if the police would be called to the property and issues with the Tweed Park Association.

Resident Gregory Javor voiced his disapproval for allowing short-term rentals due to transient people, traffic and increased noise.

## **VII. Motion**

*Commissioner LaPiana made a **motion** to approve the petition of Jim & Diane Scardino requesting a Special Use permit to operate short-term rentals at the property commonly known as 258 Lippincott Lane in accordance with the Standards set forth in section 9-1-6-10-C of the Fox Lake Zoning Ordinance, Seconded by Commissioner Legge with the following conditions:*

1. *Units 1 & 2 would be the only approval at this point*
2. *Units 3 & 4 would not have approval until inspection is completed and deficiencies fixed*

Discussion: None

*Roll Call Vote:*

|                                       |            |
|---------------------------------------|------------|
| <i>Commissioner David Schultz</i>     | <i>Aye</i> |
| <i>Commissioner LaPiana</i>           | <i>Aye</i> |
| <i>Commissioner Niki Warden</i>       | <i>Aye</i> |
| <i>Commissioner Tim Foster</i>        | <i>Aye</i> |
| <i>Commissioner Debra Vander Weit</i> | <i>Aye</i> |
| <i>Commissioner Legge</i>             | <i>Aye</i> |
| <i>Chairman David Gauger</i>          | <i>Aye</i> |

## **VIII. Adjournment**

Chairman Gauger closed the hearing at 8:16 pm.

Respectfully submitted by,

  
Brigitte Weber  
Deputy Clerk