



## **PLANNING & ZONING COMMISSION MEETING**

**September 8<sup>th</sup>, 2021, 6:30pm**

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

**Meeting was held in-person and via Zoom**

### **I. CALL TO ORDER**

Chairman Gauger called the Planning & Zoning Commission Meeting to order at 6:30pm.

### **II. PLEDGE OF ALLEGIANCE**

### **III. ROLL CALL**

Present: Commissioner Schultz, Commissioner LaPiana, Commissioner Warden,  
Commissioner Foster, Commissioner VanderWeit, Commissioner Legge,  
Commissioner Gauger

Absent: None

A quorum was established.

Also in attendance: Economic Development Director Donovan Day

### **IV. APPROVAL OF MINUTES FROM AUGUST 11, 2021**

Commissioner Schultz made a motion to approve the August 11<sup>th</sup>, 2021 Planning &  
Zoning Commission regular meeting minutes as presented.

Motion seconded by Commissioner LaPiana.

#### **Roll Call Vote:**

Commissioner Schultz	Aye
Commissioner LaPiana	Aye
Commissioner Warden	Zoom Error
Commissioner Foster	Zoom Error
Commissioner VanderWeit	Abstain
Commissioner Legge	Aye
Commissioner Gauger	Aye

Motion Passed.

### **V. NEW BUSINESS**

Chairman Gauger opened new business at 6:37pm.

**A. Public Hearing-Special Use Permit for a Short-term Rental at 21 Lakeside Lane.**

Chairman Gauger opened the public hearing of the petition requesting a Special Use Permit to operate a short-term rental at 21 Lakeside Lane at 6:40pm.

**All persons providing testimony for the public hearing of 21 Lakeside Lane were sworn in:** Joshua Krish, Diane Vileta, and Jeri Ba

Petitioner Joshua Krish presented his petition to the Commission. Joshua shared positive experiences he and his family have had staying at short term rentals. His intention is to create a nest egg while paying down the mortgage and eventually providing his mother with a retirement home. Joshua detailed his vetting process, WIFI cameras and the available parking. Joshua informed the Commission of his research of the previous Special Use Permit for Short-term rental petition packets and meeting minutes.

**Commission Questions**

Commissioner LaPiana asked when the property was purchased and if Joshua had already rented the property as a short term rental. Joshua stated he purchased the property June 25<sup>th</sup> and that he did in fact rent out the property twice as a short-term rental before being aware of the village ordinance. Once notified of the violation, the property was removed from the short-term rental sites. Joshua apologized for unknowingly doing so. Complaints were not received when the property was rented the two times. The property has three (3) bedrooms allowing for a total of six (6) adults. Joshua further detailed the vetting process, requested by Commissioner Vander Weit. Commissioner Legge referenced a comment in one of the letters submitted by a neighbor stating a large party was held by one of the previous renters. Joshua said he was never informed of any party at the property. The date and time was not referenced. Joshua noted that he, his family and friends have stayed at the property. Commissioner Schultz asked if the pier was available for renters to use and if communication was made with the neighbors. Joshua confirmed he has reached out to a few neighbors and provided his contact number to them. He also confirmed the pier was available for renters and encouraged to support the boat rental businesses in Fox Lake.

**Public Comment**

Diane Vileta resident on Lakeside Lane stated she was very surprised to be here after going through the same situation three years prior and thought it was solved. Diane said she didn't want Joshua to take it personally and added he seemed like a nice man. Recently she met Joshua who mentioned he was entrepreneur raising

concern of resale. Parking and encouraging more short-term rentals is also a concern.

Jeri Barr resident on Lakeside Lane spoke of an incident of two men staying at the property. She was unsure if they were renters, family or friends. They were zooming around the piers on jet skis and shined flashlights through her windows in the middle of the night. Jeri shared her concern with short-term rentals increasing in the neighborhood.

Driving and parking issues on the narrow road were discussed.

Joshua stressed the reason for the short-term rental is to pay down the mortgage and put money away for his mom for when she is ready to retire.

Commissioner Schultz asked if the petitioner(s) have worked in real estate business. Joshua confirmed he has for 15 years.

The Commission informed the petitioner(s) and public in attendance that a Special Use permit to operate a short-term rental was a privilege not a right. It was suggested to be sensitive to the neighbors' concerns.

#### **Motion of Recommendation to the Village Board**

Commissioner LaPiana made a motion to approve the petition of Joshua Krish requesting a Special Use Permit to operate a short-term rental at 21 Lakeside Lane in accordance with the Standards set forth in the Village of Fox Lake Zoning Ordinance, Section 9-1-6-10-C, Items 1-6.

Motion seconded by Commissioner Vander Weit.

#### **Roll Call Vote:**

Commissioner Schultz	Aye
Commissioner LaPiana	Aye
Commissioner Warden	Aye
Commissioner Foster	Aye
Commissioner VanderWeit	Aye
Commissioner Legge	Aye
Commissioner Gauger	Aye
Motion Passed	

Chairman Gauger closed the public hearing at 7:33pm.

**B. Public Hearing-Variance Request for 139 Industrial Drive.**

Chairman Gauger opened the public hearing of the petition of Olson Services Co. requesting a variance to a rear yard setback at 139 Industrial Ave at 7:34pm.

**All persons providing testimony for the public hearing for 139 Industrial Ave were sworn in:** Gary Swanson

Gary Swanson presented the petition to the Commission. The property is zoned M1 which requires a twenty (20) foot rear yard setback, and a side yard setback equal to 10% of the lot width. Based on the lot width, the required side yard setback is eleven (11) feet. The Petitioner wishes to construct a 960sqft office building five (5) from the rear property line on the same parcel that currently houses their bulk plant (fuel). The building has a proposed ten (10) foot side yard setback to the east property line.

**Commissioner Questions**

Chairman Gauger pointed out that this was submitted and approved in 2019. Gary confirmed this and because of COVID the work was never completed and the variance expired. Commissioner LaPiana questioned the building location and easements compared to the last submittal. Gary said because they had had to show exactly where the paving would be it could have changed a little bit. Donovan stated the current variance request is different from the first request.

**Public Comment**

None.

**Motion of Recommendation to the Village Board**

Commissioner LaPiana made a motion to approve the petition of Olson Services' request for a fifteen (15) foot variance to a rear yard setback and a one (1) foot variance to the side yard setback to construct an office at property commonly known as 139 Industrial Avenue, according to the variance standards for the Village of Fox Lake 9-1-6-8, standards for the variation that this petition meets is 1-3.

Motion seconded by Commissioner Foster.

**Roll Call Vote:**

Commissioner Schultz	Aye
Commissioner LaPiana	Aye
Commissioner Warden	Aye
Commissioner Foster	Aye
Commissioner VanderWeit	Aye
Commissioner Legge	Aye
Commissioner Gauger	Aye
Motion Passed	

Chairman Gauger closed the public hearing at 7:40pm.

**C. Public Hearing-Variance Request for 162 Eagle Point Rd.**

Chairman Gauger opened the public hearing of the petition seeking the Planning and Zoning Commission's consideration to allow a reduction in the total side yard setback and a reduction for the total front yard setback for the conversion of an existing carport to an all season two (2) car garage for the property of 162 Eagle Point Road at 7:41pm.

**All persons providing testimony for the public hearing for 162 Eagle Point Rd. were sworn in:** Robert Douglass, architect for petitioner(s) Ann Roberts and Randy Thomas.

Robert Douglass presented the petition to the Commission. The petitioner is requesting reduction in the total side yard setback to allow a conversion of an existing carport into an all season two (2) car garage to be one (1) foot eight (8) inches from the property line instead of five (5) feet and a reduction for the total front yard setback to be nineteen (19) feet eleven (11) inches from the property line instead of twenty-five (25) feet as required by the Fox Lake Zoning Ordinance. The property is zoned as R2. R2 zoning requires a total side yard setback of sixteen (16) feet and a front yard setback of twenty-five (25) feet.

Nine (9) neighbors signed letters of support for the requested variance.

**Commission Questions**

Commissioner Schultz asked if there were issues with the eve and if there were possible drainage problems. It was confirmed there were no issues. The Commission discussed concerns of possible legal non-conforming issues and encroachments.

**Public Comment**

None.

**Motion of Recommendation to the Village Board**

Commissioner LaPiana made a motion to approve the petition to allow a reduction in the total side yard setback and a reduction for the total front yard setback for the conversion of an existing carport to an all season two (2) car garage for the property of 162 Eagle Point Road in accordance with the standards set forth in the Village of Fox Lake Zoning Ordinance, Section 9-1-6-8, achieving 3 out of the 6 conditions.

Motion seconded by Commissioner Vander Weit.

**Roll Call Vote:**

Commissioner Schultz	Aye
Commissioner LaPiana	Aye
Commissioner Warden	Aye
Commissioner Foster	Aye
Commissioner VanderWeit	Aye
Commissioner Legge	Aye
Commissioner Gauger	Aye

Motion Passed.

Chairman Gauger closed the public hearing at 8:01pm.

**VI. OLD BUSINESS**

None.

**VII. PUBLIC COMMENT**


Brian Marr updated the Commission after a meeting with the Village Administrator.

It was suggested PZC update the short-term rental ordinance. Educating residents: One on one education discussion with residents could help.

**VIII. ADJOURNMENT**

Commissioner Schultz made a motion, followed by Commissioner Warden, the Commission voted unanimously to adjourn the meeting at 8:15pm.

**Respectfully submitted by,**

  
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Brigitte Weber  
Deputy Clerk