



PLANNING & ZONING COMMISSION MEETING MINUTES

November 10th, 2021, 6:30pm

66 Thillen Drive, Fox Lake, IL

This meeting was held in-person and via Zoom

I. CALL TO ORDER

Chairman Gauger opened the Planning & Zoning Commission meeting at 6:30pm.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Commissioner Schultz, Commissioner LaPiana, Commissioner Foster, Commissioner VanderWeit, Commissioner Legge, and Chairman Gauger

A quorum was established.

Also in attendance: Economic Development Director Donovan Day and Village Administrator Deb Waszak

IV. APPROVAL OF MINUTES FROM OCTOBER 13TH, 2021

Commissioner Schultz made a motion to approve the meeting minutes as submitted, seconded by Commissioner Foster.

Roll Call:

Commissioner Schultz	Aye
Commissioner LaPiana	Abstain
Commissioner Foster	Aye
Commissioner Vander Weit	Aye
Commissioner Legge	Aye
Chairman Gauger	Aye

Motion passed

V. NEW BUSINESS

1) Petition for Rear & Side Yard Setback Variances at 35 Hillcrest Avenue

Chairman Gauger opened the petition for rear & side yard setback variances at 35 Hillcrest Avenue at 6:34pm.

Petitioner Joseph Foy presented the petition to request variances from the following:

1. To reduce the side yard setback to allow the placement of an non-conforming accessory structure in the back of the property 3 feet from the side yard property line (Hillcrest Avenue) instead of 5 feet as required by the Zoning Ordinance; and,
2. To reduce the rear yard setback to allow placement the of a non-conforming pool deck in the back yard to be 1 feet from the rear property line (Hillcrest Avenue) instead of 5 feet as required by the Zoning Ordinance.

Petitioner stated he was not aware that the shed needed to be 5 feet away from the property line.

Commission Questions

Commission asked if the petitioner notified neighbors.

Petitioner stated village staff had informed him of the notifications that are sent out to the surrounding neighbors for public hearing petitions.

No neighbors of 35 Hillcrest Ave were present.

Confirmation of the distance of the deck to property line was requested.

Petitioner stated the deck was partially built when they purchased the property and that it is located 1 foot from the property line.

Commission asked for confirmation that the deck and shed have already been built.

Petitioner confirmed that both the shed and deck both currently exist.

Commissioner LaPiana stated he would not have approved of a deck being built all the way to the property line, but it is already there.

Public Comment

None

Motion of Recommendation to the Village Board

- 1.) Commissioner Foster made a motion recommending approval to reduce the side yard setback to allow the placement of an non-conforming accessory structure in the back of the property 3 feet from the side yard property line (Hillcrest Avenue) instead of 5 feet as required by the Zoning Ordinance 9-1-4-3, Item 3, in generally consistent with the proposed site plan identified as Exhibit A Seconded by Commissioner Legge.

All in favor

Motion passed

- 2.) Commissioner Vander Weit made a motion recommending approval to reduce the rear yard setback to allow placement the of a non-conforming pool deck in the back yard to be 1 feet from the rear property line (Hillcrest Avenue) instead of 5 feet as required by the Zoning Ordinance 9-1-4-3, Item 2, in generally consistent with the proposed site plan identified as Exhibit A.

Seconded by Commissioner Foster

All in favor

Motion passed

Chairman Gauger closed the public hearing at 6:47pm.

2) Petition for a Special Use Permit for 94 Lippincott Road to Operate a Short-term Rental

Chairman Gauger opened the public hearing at 6:48pm.

Petitioner Frank LaMark, owner of The Roxana Resort, LLC, presented the petition to the Commission seeking consideration for a Special Use Permit to operate a short-term rental at property commonly known as 94 Lippincott Road.

The historic building existed as a bed and breakfast for many years and is presently classified under the Village Ordinance as B-4 Resort Business District. The property is currently used as a single family home consisting of ten (10) bedrooms, fifteen (15) parking spaces and has a total square footage of five thousand four hundred and fifty (5,450).

Commission Questions

Chairman Gauger questioned the difference between operating a hotel / bed and breakfast and the proposed short-term rental.

Frank explained that a bed and breakfast offers a minimum one day stay per room and requires food and health department approval. Short-term rentals require a minimum two day stay of the estate. Petitioner stated he is experienced in property management and offering a short-term rental would attract more family and group event renters.

Chairman Gauger pointed out a hotel / bed breakfast has a twenty four (24) hour employee present, short-term rentals do not.

Commissioner Foster asked if the available ten (10) bedrooms included the three (3) apartments above the garage.

Petitioner confirmed the three (3) apartments are included in the total ten (10) bedrooms available.

Commission asked if Frank had closed on the property yet and where he currently operates other rental properties.

Petitioner did close on the property. He currently manages twenty-six (26) rental properties in unincorporated McHenry, Lake Geneva and Northwest Suburbs. The largest short-term rental property petitioner operates is 1104 Bay Road in unincorporated McHenry county. The property was purchased a little under one million dollars, has two houses, located on two and a half (2 ½) acres and sleeps twenty-five (25) people. Frank mentioned his scheduled meeting with the Fox Lake Historical Society and assured the Commission that managing the property will be taken very seriously.

Commissioner Foster opened discussion and concerns of waterfront usage guidelines for guests.

Commissioner Vander Weit reopened the concern of the large size of the property.

Limiting number of guests and adding security was discussed.

Public Comment

All persons providing testimony for public comment were sworn in:

Gary Wanke, Linda Matheson, and Ted Weiher

Shared concerns included not having a representative on-site, 'frat-house' type parties, disrupting the neighborhood.

Gary added he believes the petitioner has good intentions and if security was in place he would be okay with it.

Conditions were discussed.

- 1.) With more than 30 people on-site a security presence must be on-site for non-family, corporate events.
- 2.) Rules & regulations for waterfront usage must be printed and posted on property and added to the house rules.

"Non-family" wording in condition #1 was discussed and Commission agreed to revise the wording.

Motion of Recommendation to the Village Board

Commissioner Foster made a motion to approve petitioner's request to operate a short-term rental at the property commonly known as 94 Lippincott Road in accordance with the standards set forth in the Village of Fox Lake Zoning Ordinance 9-1-6-10-C, Items 1-6, with the following conditions:

- 1.) With more than 30 people on-site a security presence must be on-site.
- 2.) Rules & Regulations for waterfront usage must be in the house rules and printed and posted on property.

Seconded by Commissioner Legge

Commissioner LaPiana questioned how security is being defined in condition #1. Commission discussed revising condition #1.

Roll Call Vote:

Commissioner Schultz	Nay
Commissioner LaPiana	Nay
Commissioner Foster	Nay
Commissioner Vander Weit	Nay
Commissioner Legge	Nay
Chairman Gauger	Nay

Motion failed

Commissioner Foster made a motion to approve petitioner's request to operate a short-term rental at the property commonly known as 94 Lippincott Road in accordance with the standards set forth in the Village of Fox Lake Zoning Ordinance 9-1-6-10-C, Items 1-6, with the following conditions:

- 1.) With more than 30 people on-site there must be a security presence or management present.
- 2.) Rules & Regulations for waterfront usage must be in the house rules and printed and posted on property.

Seconded by Commissioner LaPiana

Roll Call Vote:

Commissioner Schultz	Aye
Commissioner LaPiana	Aye
Commissioner Foster	Aye
Commissioner Vander Weit	Aye
Commissioner Legge	Aye
Chairman Gauger	Aye

Motion passed

Chairman Gauger closed the hearing at 7:42pm.

3) Petition for a Special Use Permit for 130 Arthur Avenue to Operate a Short-term Rental

Chairman Gauger opened the public hearing at 7:44pm.

Petitioners Kirk and Laura Handley were sworn in.

Petitioners presented their petition to the Commission.

The single family home consists of two (2) bedrooms, three (3) parking spaces and has a total square footage of one thousand, one hundred and thirty-four (1,134). Petitioners are self-employed, work out of their home and live an hour away. Petitioners plan on only using Verbo, and will require a five (5) day minimum stay. Petitioners' intent is to keep it a family-only vacation rental property only. Petitioners have been in contact with most of the neighbors already.

Commission Questions

Commissioner Legge asked what type of security would be in place.

Petitioners currently use the Nest Home Security System (video & audio) in their home and like it. Because it is a waterfront property, signs such as "*Use at Own Risk*" can be placed. Petitioners invested in deck to help with possible noise issues.

Petitioners are open to suggestions and want to make the neighbors happy.

Commission strongly suggested a noise monitoring system.

Chairman Gauger questioned the minimum five (5) night stay requirement.

Petitioners assured the Commission that the minimum five (5) day requirement will be in place and is the only way it will be available for rent on Verbo.

Public Comment

All persons providing testimony for public comment were sworn in: Joanne Hoy Neighbor Joanne Hoy is against approval of the petition and voiced her concern of safety and liability issues with her property being so close.

Chairman Gauger asked Joanne would be more comfortable if a fence was installed. Commissioner Schultz suggested a “*No Trespassing*” sign. Joanne stated she would be okay with it if a fence was installed.

Commission and petitioners discussed the fence installation requirements. Commission highly recommends installing video security.

Motion of Recommendation to the Village Board

Commissioner Legge made a motion to approve petitioner’s request to operate a short-term rental at the property commonly known as 130 Arthur Avenue in accordance with the standards set forth in the Village of Fox Lake Zoning Ordinance 9-1-6-10-C, Items 1-6 with the following condition:

- 1.) Install a fence according to Village Code running from lakefront to physical structure on the property to separate the contiguous property lines.

Seconded by Commissioner Vander Weit

Roll Call Vote:

Commissioner Schultz	Aye
Commissioner LaPiana	Aye
Commissioner Foster	Aye
Commissioner Vander Weit	Aye
Commissioner Legge	Aye
Chairman Gauger	Aye

Motion passed

Chairman Gauger closed the public hearing at 8:10pm.

4) Petition for a Special Use Permit for 133 Cora Avenue to Operate a Short- term Rental

Chairman Gauger opened the public hearing at 8:12pm.

The Petitioner, Omar Bibian, is seeking Planning and Zoning Commission consideration for a Special Use Permit to operate a short-term rental at property commonly known as 133 Cora Avenue.

Jorge Figueros, representing the petitioner Omar Bibian, presented the petition to the Commission. Petitioner Omar Biban lives in Texas and Jorge Figueros would be managing the property. The building is a duplex and shares a wall with the neighbor.

Commission Questions

Commissioner Vander Weit asked where property manager Jorge Figueros lives and how the property will be monitored.

Jorge lives in Waukegan and about thirty minutes away.

The petition listed: single family home consisting of two (2) bedrooms, five (5) parking spaces, with a total square footage of eight hundred (800). The property actually only allows for one (1) bedroom with two (2) adult maximum occupancy. Commissioner Schultz stated concern of the allowable five (5) parking spaces.

Commission discussed the short-term rental inspection report. Many of the items on the report require permits. Items listed requiring corrections and brought to code are stairs, railings, retaining wall guard rail, unsafe deck, and pier removal.

Public Comment

All persons providing testimony for public comment were sworn in: Mark Timm Neighbor Mark Timm voiced his concern with the petitioner being an absentee property owner and does not feel he is fit to operate a short-term rental. Safety issues and concerns include the building being unkempt, debris on property, stairs, railings, pier being left in the lake for four (4) years and the deck falling into the lake. Mark stated Omar is a great guy but does not take care of the property.

Commission informed Mark that all the items listed in the report will need to be corrected before passing the rental inspection.

Per the agreement he has with Omar, Jorge is responsible for bringing the property to code, making improvements, furnishing, and maintaining the property. Jorge has already removed the pier from the lake.

Commissioner Legge suggested tabling the petition due to all the issues and bringing the property up to code. Commission agreed that petitioners should bring the property to code and return to the Planning & Zoning Commission.

Commissioner Foster made a motion to table the petition to operate a short-term rental at the property commonly known as 133 Cora Avenue.

Seconded by Commissioner Legge

All in favor

Chairman Gauger closed the public hearing at 8:38pm.

5) Petition for a Special Use Permit for 235 E. Grand Avenue to Operate a Short-term Rental

Chairman Gauger opened the public hearing at 8:39pm.

Petitioner and co-owner Trevek Sengbusch presented the petition to the Commission. The petitioner acquired the single family home in August 2021 consisting of ten (10) bedrooms (see Commission Questions), five (5) outdoor parking spaces, five (5) additional parking spaces within two (2) garages, and a total square footage of six thousand (6,000). Petitioners do not intend for the property to be solely a short-term rental. Trevek and co-owner live forty-five (45) minutes to an hour away. They own another property in the area on Pistakee Lake Bay with an Airbnb rating of 4.9. They take extra precautions, do not rent to anyone without a review and contact potential renters by phone before-hand.

Commission Questions

Commission questioned the number of bedrooms.

The number of bedrooms of the property was confirmed to be five (5) bedrooms not ten (10) bedrooms.

Fencing was questioned.

Backyard is completely fenced; the side yard is not fenced. More fencing can be installed.

The large size of the home raised concern of large events being held.

Petitioner assured the Commission it will not be rented to any group that is not permitted for the property.

Public Comment

All persons providing testimony for public comment were sworn in:

Janet Solar, Debra Madden, Susan Bock, and Mike Bock

Both Janet and Debra are neighbors of the property on Elm and shared their strong concern of large parties being held.

Chairman Gauger explained the Special Use Permit for short-term rentals and the consequences they face for not abiding by the rules. Currently, the Village has over seventeen (17) approved short-term rentals with zero (0) complaints. Commissioner Foster added that with a homeowner or long-term renter throwing parties there is little that can be done. Having a Special Use Permit for short-term rentals actually gives the village and neighbors more control. If there are problems while having a Special Use Permit for short-term rental, that permit can be revoked.

Susan and her husband have lived on Hawthorne since 1976. Strong concerns with parties, the pool, and noise were shared by both Mrs. & Mr. Bock. Mr. Bock voiced his long time aggravation of the entertainment that's been held at the property and negative impact it has caused. He feels his domestic tranquility is taken away and asks to not approve the petition.

Commission suggested opening a line of communication and sharing contact information between petitioners and neighbors.

Trevek informed the Commission that he brought his business cards with his cell phone number to share with the neighbors. He would prefer the neighbors to contact him directly first to handle any situation that may arise. The maintenance person is local and contracted to be available at all times. .

Motion of Recommendation to the Village Board

Commissioner Foster made a motion to approve petitioner's request to operate a short-term rental at the property commonly known as 235 E. Grand Avenue in accordance with the standards set forth in the Village of Fox Lake Zoning Ordinance 9-1-6-10-C, Items 1-6.

Seconded by Commissioner Vander Weit

Roll Call Vote:

Commissioner Schultz	Aye
Commissioner LaPiana	Aye
Commissioner Foster	Aye
Commissioner Vander Weit	Aye
Commissioner Legge	Aye
Chairman Gauger	Aye

Motion passed

Chairman Gauger closed the public hearing at 9:08pm.

VI. OLD BUSINESS

None

VII. PUBLIC COMMENT

Chairman Gauger reported the resignation of Commissioner Warden. Niki served the village well in many different capacities, on both the Village Board and the Planning & Zoning Commission. Chairman Gauger and Commission wished her well.

Commission and Director Day briefly discussed the revision of the Short-term rental ordinance. The amount of short-term rental petitions has greatly increased. Chairman Gauger and Commission will be looking into finding progressive ways to handle short-term rentals. A moratorium cannot be placed on short-term rentals because the village is not a home rule municipality. Commissioner Foster thinks the village should consider a six (6) months residency for the property owner before filing a petition for a Special Use Permit to operate a short-term rental.

VIII. ADJOURNMENT

Commissioner Lapiana made a motion, followed by Commissioner Foster, the Commission voted unanimously to adjourn the meeting at 9:19 pm.

Respectfully submitted by,

Brigitte Weber
Brigitte Weber
Deputy Clerk

From: [REDACTED]
To: Permit@foxlake.org
Subject: Special Use Permit
Date: Tuesday, November 09, 2021 3:40:20 PM
Importance: High

To Village of Fox Lake Planning and Zoning Commission:

As I am not able to be present for the Public Hearing, I would like this e-mail to become part of the Hearing.

In reference to the Public Hearing being held November 10, 2021, 6:30 PM regarding Public Notice for Special Use Permit for Short Term Rentals at 235 E. Grand Ave, parcel # 05-10-405-101.

As a 24-year resident of Fox Lake and the immediate neighborhood to this property, I am **STRONGLY OPPOSED** to this petition. This is a RESIDENTIAL NEIGHBORHOOD, which should not be subjected to a Short-Term Vacation Party Home. This house can accommodate a large amount of people both in the house and the garage. The garage having sleeping quarters in the upstairs and a full wet bar, multiple TV's and speaker system both in and outside. An outdoor pool with grotto and waterfall, horseshoe pits and very bright outside lights. With this house and garage arrangement it is inevitable that there will be very noisy parties every time this property is rented. This will not only be for boating season but also snowmobile season.

I am aware there are 4 pending petitions for short term rentals this month alone and a total of 17 this year in the Village of Fox Lake. These special use rental requests are becoming a **RUNAWAY TRAIN**.

I would implore the board to deny all 4 of these requests for short term rentals, especially the property at 235 E Grand Ave, due to the uniqueness of this **PARTY HOUSE.....**

This neighborhood is our HOME, where we live and enjoy our backyard. No-one wants to live where there are noisy parties - **CONSTANTLY!!!!!!**

I ask that you please redact any personal identifying information....

From: [REDACTED]
To: Permit@foxlake.org
Subject: Short term rentals petitions, Public Hearing 11-10-21
Date: Wednesday, November 10, 2021 7:12:08 AM

Village of Fox Lake Planning & Zoning Commission:

I am unable to attend the public hearing tonight in regards to the petitions for short term rentals and wish to voice my concerns.

As a resident of the Village of Fox Lake for the past 12 years I am greatly concerned with the influx of short term rentals in our residential community. This month alone there are 4 petitions for short term rentals and a total of 17 short term rental petitions this year so far! The amount of short term rentals within Fox Lake appears to be getting out of control and I am deeply concerned that the make-up of our town will forever be changed.

I ask that the Commission please deny all 4 petitions for short term rentals or at the very least I strongly ask that you deny the short term rental petition for Trevek Sengbusch, owner of 235 E. Grand Avenue, Fox Lake due to the uniqueness of this house and the many issues that will come with it.

Thank you for your consideration in this matter.

[REDACTED]
Resident

Please redact my personal information from public records.



Planning & Zoning Commission Meeting

November 10, 2021 Sign In Sheet

Please Print Name:

JOSEPH Foy

FRANK Lamerh

Gary Wanka

Linda Matheson

Ted Wether

KIRK ITANDEY

LADDA Handley

Joanne Hoy

Jorge Figueiros

MARK Timus

Trevor Singsbusch

Janet D. Solor

Debra Madde

Mary
Merrill