



## PLANNING & ZONING COMMISSION MEETING FLOW CHART

June 14, 2023, 6:30pm

66 Thillen Drive, Fox Lake, IL

Also Available Virtually Through the Link Below

### I. Call To Order

Chairman Gauger called the meeting to order at 6:30PM

### II. Pledge Of Allegiance

III. Roll Call		Present	Absent
Commissioner:	LaPianna	_____	___x___
	Bongiovanni	___x___	_____
	Legge	___x___	_____
	Swanson	___x___	_____
	Nakanishi	___x___	_____
Chairman:	Gauger	___x___	_____

A quorum was established.

Also in attendance: Patricia Russell, Dusty Hosna

### IV. Approval of May 10, 2023 Meeting Minutes

Commissioner Nakanishi made a motion to approve the minutes of the May 10, 2023 meeting, as written, seconded by Commissioner Swanson.

		Yea	Nay	Abstain
Commissioner:	Bongiovanni	_____	_____	___x___
	Legge	_____	_____	___x___
	Swanson	___x___	_____	_____
	Nakanishi	___x___	_____	_____
Chairman:	Gauger	___x___	_____	_____

Motion Passed

## **V. New Business**

- 1.) 309 Route 173 – Sign Variance (Chairman Gauger stated that the Agenda shows an incorrect address for this matter. The Agenda states 309 Route 12 and it is actually 309 Route 173.)

Chairman Gauger opened the hearing at 6:35PM      Closed: 6:42PM

Petitioner Kyle Christensen was sworn in.

Mr. Christensen (from K C's Cabin) stated that they would like to put a digital sign up on the building because they do not have room on the corner after a stop light was erected there. They no longer have any set-back where a sign could be put up. The proposed sign includes a messaging board and will be put on the eaves of the building facing northwest. The current sign would be moved and replaced by the messaging board. They have used plastic signs to advertise special events but they are a mess and they would like to do something more professional. Mr. Christensen also stated that he would like to put Fox Lake on their sign and advertise village events as well as time and temperature, food specials, and events.

Chairman Gauger asked if the sign would be static when the business is closed. Mr. Christensen said that would be up to the Village. The sign that they are looking at brightens during the day and dims at night. It can be set up to operate during business hours only.

Commissioner Legge said that the whole point of the sign would be to advertise the business and he has no objection to keeping the sign on after hours. He then asked if there was a monument sign there before. Mr. Christensen said that there was not a monument sign, there was a marquee sign there in the 90's but that was removed because the intersection was widened and the stop light was installed. Chairman Gauger pointed out that the intersection is safer now. Mr. Christensen said that he would like to remove some smaller signs and move others around.

Commissioner Swanson asked what else is in the intersection. Mr. Christensen said (and other commissioners agreed) that they are pretty remote and the neighbors are businesses (gas station, quarry.) Chairman Gauger said that about 10 years ago there was a ROD overlay that was passed that showed that intersection as nothing but businesses. No subdivisions would be impacted by this sign.

**Public Comment**    None.

### **Motion of Recommendation**

Commissioner Nakanishi made a motion to approve the Sign Variance petition for the property commonly known as 309 Route 173, Fox Lake, Illinois, in accordance with the Village of Fox Lake sign ordinance 10-1-6-A, seconded by Commissioner Bongiovanni.

### **Affirmative Vote:**

All in favor – motion passed.

## 2.) 6 N Lake Ave – Special Use Permit – Short-term Rental

Chairman Gauger opened the hearing at 6:43PM

Closed: 7:27PM

Nathan and Sarah Groenendal were sworn in.

Mr. Groenendal stated that the home was purchased as a vacation home for his family but they also want to list on AirB&B when not being used. They are hoping to supplement their income and offset the mortgage costs. They have put some money into the property (making improvements), met the neighbors on both sides and told them of their plans. The neighbors are OK with it. Their home is in Long Grove (Mundelein, Hawthorne Woods area) - about 25 minutes away – so they plan to manage the property themselves. They also have a handyman on-call, he lives in Antioch and will help them out when needed.

Mrs. Groenendal stated that they have 2 children. She grew up being on the lake and wants a similar experience for her children. She and Mr. Groenendal both work from home so they are up here quite a bit and expect to be here every weekend. They want to offset costs of the home but also want to use it themselves as much as possible. They have not rented the property thus far. They did a lot of research on the STR process and understood that it would take time to get through the process. They read the ordinances regarding short-term rentals and make sure to adhere to the rules.

Chairman Gauger mentioned the moratorium on short-term rentals and how the new regulations were arrived at. Included in this was the density issue. While the density issue was not included by the Board of Trustees in the ordinance that amended the Short-term Rentals ordinance, the Planning and Zoning Commission does have the ability to include density in its' considerations. Do you know how many other STR's are on Lake Avenue? The Groenendals know that there are others on Lake Avenue. Chairman Gauger said that there are 5 approved STR's on Lake Avenue and, at some point, density has to be part of the decision. Our board is a recommending board and the Board of Trustees make the final decision to issue the Special Use Permit or not.

Chairman Gauger stated that he is glad to know that they have met their neighbors. Commissioner Swanson asked how often they plan to rent the property. Mr. Groenendal said probably 30% to 40% of the time. Mrs. Groenendal agreed with that number and stated that they want to use the home themselves much of the time. They enjoy the home and have purchased kayaks and improved the property for their own use. They have not had a short-term rental before but Mrs. Groenendal did rent a property long term before. They did a lot of research and talked to other short-term renters in Fox Lake and tried to gather as much information as they could as to what to expect and how to work within the process as much as they can. They will be doing their own property management but they do have a handy-man in Antioch who will help them when needed.

Chairman Gauger asked if the application lists the maximum amount of people that are allowed. Mrs. Groenendal stated the packet shows 5 bedrooms which means 10 adults maximum is allowed.

Commissioner Legge said that the due diligence that the petitioners did is appreciated. He asked about outdoor activities, sound monitoring, videos, etc. Mrs. Groenendal said that they have a video door-bell in the front of the house and a video flood light in the back so they can see the renters coming and going and for safety when the family is not there. She also said that there are rules in place and a contract (that renters are required to sign) that shows quiet hours, there are no parties and no events allowed. Also, there are no outdoor speakers and the only watercraft are kayaks (nothing with motors).

Commissioner Legge asked, what do you do to keep someone from filling all 5 bedrooms and then inviting people up for the day for a big event. Mrs. Groenendal said that, in the contract, the renters must list all overnight guests and attest that there will not be parties, the renter has to be over 25 years old. Mr. Groenendal added that the main social area is in the back yard which they can monitor on the back yard camera. Also, neighbors on both sides have the numbers to contact Mrs. & Mrs. Groenendal if the neighbors are bothered by anything. They also will have a plaque showing contact information so that other neighbor can contact them as well. Chairman Gauger also suggested that with 10 adults, there would be a good chance of a lot of children as well and that could also cause problems. The Chairman asked if there was to be a recommendation for using only 3 bedrooms, would that be something that they could do. Mrs. Groenendal said that their preference would be to have the 5 bedrooms. They have traveled with extended family and 5 or 6 kids with them and that is part of why they purchased this property. Also, a limit of 6 adults would put the house in a different rental category. Chairman Gauger also noted that there are only 5 parking spots. Commissioner Legge agreed that a 5 bedroom rental is more cost effective for the renters as the cost can be split 5 ways. He also stated that the relationship with the neighbors will be critical. There is more concern with larger properties creating problems. If approved, it will be an ongoing process to make sure that it is done responsibly.

Commissioner Bongiovanni asked if the Village Board wants the Commissioners to use our discretion in limiting these properties based on density in an area or just do our due diligence and let them make the decision. Chairman Gauger stated that as part of our recommendation, the Board gets the minutes of the hearings. We already have a high density situation in this area and as more are added, at some point we will have to say that we just can't do any more on that street. We can't say that, only the Board is able to say whether we have reached that point already or if there is room for another one on Lake Avenue. That's going to be the Boards' decision and then ultimately, that recommendation and these minutes are what the Village will act on. Commissioner Legge asked to clarify that the 250 feet rule that the Commissioner suggested was not incorporated into the ordinance by the Board. Chairman Gauger said that it was not included and that it would have been helpful in this process.

### **Public Comment**

**Joanne Thompson** was sworn in.

Ms. Thompson lives at 12 N Lake Avenue. Her concern is the density of STR's on the street. She has one next door to her and several down the street.

She no longer knows who her neighbors are, who is going to be coming or going in her neighborhood. And now with the density issue, she has 13 short-term rentals within a 1 mile radius of her home. This is not good for people who want to come in and buy in the area. Another concern is for the benefit of the town. Most of the short-term rentals, especially on the lake front are only going to be rented maybe May through August or September. What happens with these unoccupied homes for the other 8 months? Wouldn't you rather have full time people who are interested in the Village, who would go to the banks and the grocery stores, and the churches and the schools? Ms. Thompson has been in Fox Lake since 1989 and she and her late husband purchased a property up on a hill and made improvements to the property and she was looking forward to her retirement there. Last weekend, 10 N Lake rented their property. He doesn't have a driveway, only two paved parking spots, the renters had 3 cars all weekend and the third car parked on the neighbors' parkway. The neighbor is trying to take care of their grass but the car parking there is killing the grass. The neighbor is trying to mow the lawn, but they have a short-term renter parked on the parkway. It is those types of things that bother Ms. Thompson and her neighbors. Ms. Thompson asked, if she has a problem with a short-term renter on either side of her, who should be called.

Chairman Gauger said that one of the things that did get passed is that the short-term rental properties must give the neighbors (not just next door) a 24 hour phone number; are you saying that 10 N. Lake Avenue did not do that? Ms. Thompson said that she has his phone number but she doesn't think the people across the street have that. So, who do you call; the police? Chairman Gauger said, "yes". Ms. Thompson asked if there are enough police to take care of complaints. Chairman Gauger explained that this has nothing to do with this Board, these questions should be addressed to the Police Department.

Ms. Thompson said that she bought into an area that was zoned R-2 and now it feels like a motel district. Chairman Gauger replied that it is still R-2. Ms. Thompson said that it isn't preserving the flavor of the neighborhood when there are so many short-term and long term rentals in the area. The long-term renters are good neighbors but unlike the short term renters, they have something to look forward to in Fox Lake.

**Glen Grossklags (52 N Lake)**

Has there been a definition of "adult"? If a 21 year old is an "adult", 10 of them in a house can party a lot.

**Phillis Adler (7 N Lake) was sworn in.**

Ms. Adler has the same concerns as Ms. Thompson. Last weekend there were stretch vans parked on the curb. The street is 3 blocks long and there is a disproportionate number of STR's on Lake Street. Also, no one seems to pay attention to the speed limit (15 mph). She hears the big pickup trucks with the loud pipes going down her street every night. The corner of Lake and Grand is dangerous, there have been 3 accidents in a very short time. 5 more cars, 10 more people across the street? It used to be a very quiet, friendly neighborhood. We ate together, we shared things, everybody knew everybody. There are single women there and it gets scary. It would be nice to have

neighbors who moved in and stayed instead moving in, doing some remodeling and then do the rental thing to get the mortgage paid.

**Pat Stochl** was sworn in.

The petitioners said that they have talked with their neighbors, does the board have a list of the neighbors that have been spoken to and who said the STRs are OK?

There is a new AirB&B next to her. Someone had said to call the police if there is a problem but sometimes, there is not enough commotion for the police to say that there is an issue when you call them. It's not life or death. It would make it easier on the neighbors if they know what they should or shouldn't do with complaints. Also, a lot of garbage concerns.

**Nathan & Sarah Groenendal** returned.

The Plat of Survey that they submitted shows 5 parking spots (2 in the garage). They have a circle drive way so there is room for more than 5 cars. Also, they will specify to renters that there is to be no parking on the street.

Chairman Gauger read a letter from the next door neighbor (see attached). The writer is not in favor of this property turning into a short-term rental. The concerns stated in the letter are similar to the concerns expressed by others this evening. Mrs. Groenendal stated again that they are not planning to rent all of the time. They do care about the neighborhood. They purchased this home, following the rules and doing their due diligence to make sure that this was allowable within the ordinances. They do not want to disrupt the neighborhood, and they want to enjoy the home themselves as much as possible. However, they are not in a position to sustain themselves with two mortgages long-term and that is why they tried to do as much work as they could to be sure this was allowable under Fox Lake rules, even before they purchased the home.

Commissioner Legge acknowledged that there is a change to the completion of the neighbors. He has neighbors that haven't seen their property in months and that is a concern. He wishes that he could fill all of the homes with full-time neighbors and have full-time neighbors all of the time. But that just is not the way things are. He also said that he appreciates the work that the Groenendals have done on this. Commissioner Legge asked that the commissioners take into consideration that circumstances (including the moratorium) delayed the process for this property to come before the Planning and Zoning Commission and the fact that the petition was completed and thoughtfully prepared as opposed to rushing it through as others may have done in order to push their petitions to the front of the line.

Chairman Gauger asked if we are considering at 5 bedrooms or a condition for 1 year of 3 bedrooms only. Commissioner Legge suggested that he is comfortable with 5.

## Motion of Recommendation

Commissioner Legge made a motion to approve the petition for a Special Use Permit, as presented, to operate a short-term rental on the property commonly known as 6 N Lake Avenue, Fox Lake, Illinois, in reference to Village of Fox Lake Zoning Code 9-1-6-10, subsection C with Standards 1, 2, 3, 4, 5, and 6 satisfied. Motion was seconded by Commissioner Swanson.

## Discussion Point

Chairman Gauger noted that this street is severely overloaded with short-term rentals and we (the Planning and Zoning Commission) are doing nothing to help the neighborhood other than to diversify and split it apart with the decisions that have been being made.

Commissioner Legge agreed with the comment made by the Chairman. He also said that the neighbors need to communicate with each other and let the police know when there are problems. Chairman Gauger added that Dusty Hosna is another good contact if there are questions or concerns.

Commissioner Bongiovanni said that Atwater Parkway also has a high density situation.

Roll Call Vote		Yea	Nay
Commissioner:	Bongiovanni	_____	___x___
	Legge	___x___	_____
	Swanson	_____	___x___
	Nakanishi	_____	___x___
Chairman:	Gauger	_____	___x___

## Motion Failed

Chairman Gauger said that this recommendation will go the Village Board and they will determine if they want to overturn this decision or not. This street is bearing the brunt of the short-term rental density problem. He wished the owners good luck. Mrs. Groenendal thanked the commissioners for their time. She also said that the density issues that were discussed today are not in the ordinance; is that the reason that the Board could deny the petition. Chairman Gauger explained that the fact that the density issue is not in the ordinance is the reason that the Board could approve the petition. Our decision is only a recommendation, which goes to the Board and they make the final decision.

## 3.) 50 N Lake Ave – Special Use Permit – Short-term Rental

Chairman Gauger opened this hearing at 7:28PM                      Closed 7:50PM

Julian Puzon was sworn in.

Mr. Puzon is the owner of Puzon Group of Companies. He is a real estate rehab and developer. He owns properties in Chicago, Kenosha, Spring Grove and Fox Lake.

He fell in love with Fox Lake several years ago and purchased lake front property. This was purchased for his retirement property. Mr. Puzon has a home in Wheeling, Illinois (about 38 minutes away from Fox Lake) and he works in Kenosha so he can be close at any time. During the summer time, we (his kids and stuff) stay full time. He has already rehabbed 2 of the houses. There are 4 dwellings and he is not expecting big crowds on his property. Mr. Puzon has 2 units with long-term renters and one unit is for his family. There is a studio by the lake and that is being turning into a "get away" place for a couple. He wants to put a hot tub and fire place by the lake. He has replaced the drywall and has a permit to do the seawall and plans to have that work done in August.

His family is into health care and so he is looking to rent his home to a traveling nurse in the winter time and will use it full time for his family in the summer. Regarding the neighbors, he has experienced problems with neighbors before and does not think he will have any problem with the neighbors.

Chairman Gauger asked if he is only asking for the studio to be considered for an AirB&B. Mr. Puzon said "yes". The Chairman noted that the application says 3 bedrooms, 5 parking spaces. Mr. Puzon said that the 3 bedroom are in his home but he "put it out there" in case he wanted to rent it on AirB&B, he wants that flexibility. The studio will be the main one, only for one couple. There are no bedrooms, it is a studio unit and has a queen size bed.

Commissioner Legge asked for clarification: the long term renters are in the 2 units closest to the road, the 2 closest to the lake are what we are talking about. The one closest to the lake is the studio and the next one in is Mr. Puzons' personal residence. The residence is a 3 bedroom and the studio is a single. Mr. Puzon stated that he has 5 parking spaces and 3 are currently available. He also said that he can reconfigure the parking if he takes out bushes on one side he can fit 2 or 3 cars there. But he only needs 3 spaces, one for the studio and 2 for the house. When asked, Mr. Puzon stated that the renters park across the street by agreement with that neighbor in return for cutting the grass for that neighbor. Chairman Gauger pointed out that this does not count as a parking spot because Mr. Puzon does not own the property. The commissioners need to look only at what is owned by the petitioner. Mr. Puzon suggested that if there were more cars needing to park then they could park on Hazel.

Commissioner Legge said that he drove past the property today and found 4 cars parked in the area that Mr. Puzon says will park 5 and one of the cars had crossed over to a neighboring property. Mr. Puzon argued that the car was on his property. Commissioner Legge asked if the blue pole indicates the property line and Mr. Puzon said "yes". Commissioner Legge stated that the car he saw was past that line. Parking on this road has been an issue and the village has gone to a lot of effort to mark this as a no parking area. Commissioner Legge stated that he doesn't feel that they can even get 4 cars in this parking area but the petition says there are 5 spaces. Considering that this property has 4 dwellings, parking is of great concern. It was discussed back and forth that the limited parking area is not sufficient. Mr. Puzon again said that cars can be parked on Hazel and Chairman Gauger pointed out that parking on the streets is not allowed, the property must have enough parking for all cars; the property must be self-contained. This property does not seem to be workable from that



standpoint.

## **Public Comment**

**Glen Grossklags** (sworn in earlier this evening)

Mr. Grossklags is the next door neighbor. He stated that in going through the petition, he noticed a lot of blank areas. The petition seems to be very non-specific about which of the 4 cottages will be used for STR. If the long-term renters leave, then will they be made available for STR? The issue of parking was raised again and Chairman Gauger reminded Mr. Grossklags that we have already addressed that subject. The welcome packet with this petition has areas that are check-boxes (short term/long term, quiet hours/no quiet hours, total number of occupants, fixed amount/ monthly amount (rent)).

**Kevin Mueller** was sworn in

Mr. Mueller addressed the parking situation. Mr. Mueller has submitted complaints about the parking on the street from this property. Chairman Gauger stated that there are requirements about the size of parking spaces. Mr. Mueller asked if there is a limit to the amount of asphalt can be put on a property. Mr. Mueller feels that it is clear that the owners of this property are already ignoring the rules before a STR permit is even issued.

**Eric Punnett** was sworn in.

Mr. Punnett lives at 50 N Lake Street and has lived there for 17 years. He says that he never saw the last speaker (Mr. Mueller). There are 4 parking spots on this property (1 for each unit) and he parks across the street, by agreement with the neighbor in return for cutting his grass. Mr. Punnett states that he has never known of a parking problem or parking on the street from this location. In regard to the density on the street, they are down by Hazel. Mr. Punnett restated many of the same items as Mr. Puzon. Mr. Punnett also stated that the Puzon family is not there very much. In regard to density, Mr. Punnett said that the property at 49 N Lake has gone from a short-term rental to a long-term rental. Chairman Gauger advised that 49 N Lake still holds the short-term rental license so regardless of what they do with the property, as long as they hold the license they are considered in the density question.

Mr. Punnett asked about the definition of short-term vs. long-term rentals. Chairman Gauger said that we have very specific short-term rental agreements. Long-term rentals have nothing to do with this commission. Mr. Punnett then said that a main focus for Julian is to try to get traveling nurses to rent from him. They tend to rent for 90 days or more. They go to work every day and require only one parking spot. Mr. Punnett said that he will be on the property full time and able to assist with any problems a short-term renter might have.

Commissioner Legge said that the suggestion about the use of multiple dwellings for an AirB&B concerns him. If the car that he saw this afternoon was driven by Mrs. Puzon, she should know the proper places to park. The Mercedes was parked not only into the neighboring lot but out onto the street as well. Parking is an issue and a challenge.

## **Motion of Recommendation**

Commissioner Swanson made a motion to approve the petition for a Special Use Permit, as presented, to operate a short-term rental on the property commonly known as 50 N Lake Avenue, Fox Lake, Illinois, in accordance with the Village of Fox Lake Zoning Code 9-1-6-10, subsection C with Standards 1, 2, 3, 4, 5, and 6 satisfied. Motion was seconded by Commissioner Legge.

## **Discussion:**

Chairman Gauger said that everything he said regarding the previous petition regarding density applies to this petition also.

<b>Roll Call Vote:</b>		<b>Yea</b>	<b>Nay</b>
Commissioner:	Bongiovanni	_____	___x___
	Legge	_____	___x___
	Swanson	_____	___x___
	Nakanishi	_____	___x___
Chairman:	Gauger	_____	___x___

Motion Failed

## **VI Old Business**

### **1) 11 Lakeside Ln – Special Use Permit – Short-term Rental**

Chairman Gauger opened the hearing at 7:51PM      Closed: 8:21

This was continued from our last meeting.

Brian Graybill was sworn in.

Mr. Graybill apologized for not having a complete packet prepared for the last meeting. He said he appreciates the feedback and tried to over-deliver this time and provide all of the necessary information in accordance with the ordinance. Ken did another inspection and approved everything. The parking that was an issue last time has been addressed and a placard has been made with STR information along with house rules and quiet rules. Contact information has been given to the police and fire departments. They have security cameras outside the building to monitor who is coming and going. They are at the exterior front door and exterior back door. They turned off automatic booking on AirB&B so that potential renters will be screened before a rental is scheduled. The potential renters are asked how many adults will be staying, purpose of the stay, their profiles are screened regarding reviews of their previous rentals and have a history of following the house rules. The rental agreement states a maximum parking of 8 (even though they have room for 20).

Chairman Gauger asked Mr. Graybill to come forward and view a paper and identify if the image on that paper is his property and Mr. Graybill said “yes”. This paper is a listing that states 12 guests, 3 bedrooms, eight beds, 3 baths still being portrayed (this was printed today). Mr. Graybill said “yes”.

Mr. Graybill said that the way the AirB&B platform works is kids are considered guests. So if you list for 2 bedrooms and 4 adults, if there are any children added, AirB&B won't book it. You need to put the maximum available guests at 12 so you can have bookings for 6 adults and 6 kids. He tested the platform as a user and found that AirB&B counts kids as part of the limit. You need to set the limit high and then screen for the number of adults.

Chairman Gauger said that this property has been being rented (as a STR) since October of 2022. The Village says that notices have been sent, Mr. Graybill says that he never got any notices, he had an adjudication hearing and he has been renting all along. We had one petition tonight from a couple who spent a lot of time and effort putting everything together and doing everything right. The commissioners are still uneasy because you just went ahead even though you were notified that it was not something that is supposed to be. We are glad that you came back and that you finally filled out your packet but, what happened at adjudication?

Mr. Graybill said that he was instructed to come to this hearing and get it cleared up here, assuming that the petition will get approved. Then he needs to return to adjudication on June 20<sup>th</sup> to see Ms. Torres. Ken was at the last adjudication and is expected to be at the June adjudication to say that Mr. Graybill followed the inspection notes and the place is completely up to code. Once he learned what the process was, he immediately ceased the rentals once he started to engage Brigitte. He started the process in March. He says that he has put in a lot of diligence and followed the process since that time.

Chairman Gauger asked if Mr. Graybill has met his neighbors and will they have his 24 phone number or a property managers 24 hour phone number. Mr. Graybill said "yes" and he has a laminated placard posted outside for any neighbors to view. Chairman Gauger asked if Mr. Graybill knows how many STR's are on Lakeside right now. Mr. Graybill is not sure, maybe 2.

Commissioner Legge asked when the last rental was at this property. Mr. Graybill said the last rental was in February. He stated that all bookings since that time have been cancelled.

Commissioner Nakanishi stated that an email has been received from one of the neighbors, requesting that the message be read into the record of this hearing. Chairman Gauger said that the message would be read, but there is someone else here who wants to speak first.

**Josh Krish** (via zoom) said he also has a 3 bedroom STR that is listed on AirB&B as allowing 6 guests and you don't have to list it as 12 guests in order to include children. Mr. Krish questioned why this property is still on the market for STR. This has been on the market for 9 months now without regard to the rules of the village and despite being told not to rent the property. Mr. Krish stated that he supports short-term rentals but he has a difficult time accepting that this property could be approved given everything that has happened. Chairman Gauger asked Mr. Krish how many STR's are on Lakeside Lane. Mr. Krish said that his is the only one currently approved on Lakeside Lane and Chairman Gauger agreed.

Mr. Graybill responded that his understanding from the last hearing is that he was

not to operate a STR, meaning having guests. He cancelled the guests that were there, which was unfortunate for them, for their families, for Mr. Graybill, for everybody involved. He has cancelled everybody up until this moment and has not been operating a short-term rental since he started this process. Mr. Graybill said that he is not in this area very often so he got stickers for Certified mail in his mail box. All of the letters were returned to the post office so he never received a notice that he signed for. It's unfortunate because he doesn't live here and is not here very often.

Mr. Graybill said that he appreciates the information from Josh regarding the booking app. He tried doing a test, he set the number allowed to 6 guests called up his home to schedule a rental for 4 adults and 3 guests and it never showed up in the feed. He will change these settings showing a limit of 6.

Chairman Gauger asked if Mr. Graybill had planned not to rent until after his adjudication date. Mr. Graybill said that he wasn't sure if this hearing was the cut-off or if he has to wait until after adjudication. He said that he was under the impression that if the Commission approves then that is the approval to go ahead. Chairman Gauger replied that the recommendation of the commissioners will be reviewed by the Village Board. The Village Board makes the final decision, no rentals are allowed before the Village Board approves.

Commissioner Bongiovanni asked if the listing on AirB&B is still alive and Mr. Graybill said yes. Are there any pending reservation? Mr. Graybill said that he has pending reservations but will cancel them if not approved. Mr. Graybill also stated that he anticipates renting this property less than 20% of the time. The family uses it whenever they can, particularly in the winter when there are not a lot of people who are willing to rent it so they just fill in weekends or weeks when they are not able to be in town and it is pretty much a summer thing with some interest around the holidays. The total number of bookings on a yearly basis will probably be between 10 -20%.

Chairman Gauger read the previously mentioned letter. This message was sent to Brigitte Weber on Wednesday, May 10, 2023:

This property has been being used as a STR ILLEGALLY since Sept. 2022. This was reported to Donovan Day on 3 separate occasions. Owner was notified to stop illegal use but continued anyway and I believe the Mayor stated that the village was going to court with this owner at the February Board Meeting. There is nothing in the board packet for 5/10 meeting giving information on what transpired with the court and why bad behavior should be rewarded with a special use permit. Illegal rentals of this property includes overflowing garbage containers inviting raccoons & other critters (photo available). Property has 3 bedrooms but overnight cars total 7!!

The residents of Lakeside Lane have attended several meetings opposing STR on our street so I believe our general concerns with short term rentals ruining our neighborhood is well known with the Planning & Zoning Committee. I believe you have approved 4 STR's on Atwater alone which also affects the residents on the channel side of Lakeside Lane.

The statement in the Spring newsletter implies only 1.2% of

households will be STR but when you have 4 on one street and 3 on another street the percentage for that street is much greater than the low percentage indicated.

Respectfully request that the e-mail be read at the May 10<sup>th</sup> Zoning meeting and subsequent Board Meeting addressing the STR.

Jeri Barr, 15 Lakeside Lane, Fox Lake

### **Public Comment**

None.

Mr. Graybill said that he has taken care of the garbage situation. His neighbor, Jeff, at 9 Lakeside Lane is pulling it to the other side of the garage so it is not visible from the street and putting them out and taking care of that because they are not in town very often. Commissioner Legge asked, since Mr. Graybill is not around very much, how will problems be handled. Mr. Graybill said he lives in Chicago and is available by phone 24 hours a day. If he receives a complaint or sees on the monitors that there are too many people there, he would contact them by phone and try to resolve the situation. If this did not resolve the problem, he would call the police. How do you address a situation where a guest is having a problem or perhaps they are not abiding by the rules and don't take your phone call? He could hire someone to provide more local assistance if the Board recommends that. Also, his next door neighbor Jeff has helped in the past, is willing to help in the future, and he has a key to the house. The next door neighbor on the other side lives in Minnesota and they are not there very often. Commissioner Legge expressed concern that Mr. Graybill has not given much thought as to what to do when things go wrong and is not prepared for that.

### **Motion of Recommendation**

Commissioner Swanson made a motion to approve the petition for a Special Use Permit, as presented, to operate a short-term rental on the property commonly known as 11 Lakeside Lane, Fox Lake, Illinois, in accordance with the Village of Fox Lake Zoning Code 9-1-6-10, subsection C with Standards 1, 2, 3, 4, 5, and 6 satisfied. Motion was seconded by Commissioner Bongiovanni.

### **Discussion:**

Commissioner Legge questioned the density concerns in this area. Chairman Gauger said that there are 4 STR's in a row on Atwater right across the channel. Lakeside has been the flashpoint of STR problems since 2019. He said that he believes the problems have been fixed. As to density this area is nowhere near the problem as on Atwater or Lake.

Josh Krish made the point that Lakeside is not a flash point anymore. As much as he disagrees with what is happening with the procedures of this, especially in the last few months, Lakeside Lane is a beautiful street and every person that he has come here in the last few years enjoy it and plenty of them come back. He hopes that, if this STR is approved, Brian has a similar experience. Josh does not support the way this process has been handled by the petitioner.

Commissioner Bongiovanni said that one way we insure that density does not get out-of-hand is to hold ourselves to high standard based on these ordinances, procedures and the way things are set up.

<b>Roll Call Vote:</b>		<b>Yea</b>	<b>Nay</b>
Commissioner:	Bongiovanni	_____	___x__
	Legge	_____	___x__
	Swanson	___x__	_____
	Nakanishi	_____	___x__
Chairman:	Gauger	___x__	_____

Motion Failed

Chairman Gauger informed that the Commission is only a recommending Board and the Village Board of Trustees will have the final say on these matters. Mr. Graybill asked how he would be notified of the Boards' decision. He was advised that he probably would want to be at the meeting. It was also discussed that all of the owners would be advised to attend the Board meeting and plead their cases at that time and place.

### **Public Comment**

*In accordance with the Illinois Open Meeting Act, the general public may address the Commission regarding any matter on the agenda or not on the agenda.*

Chairman Gauger welcomed our new Economic Development Director, Dusty Hosna. Dusty said that he comes from the St. Louis areas where he was a City Administrator. He is excited to focus on Economic Development. He feels that the staff here is great and he is excited to see what we can do moving forward. The commissioners welcomed Dusty.

Mr. Graybill said that he is frustrated because he admitted that he did not follow the processes because he did not understand the rules. Since coming to understand, he has followed all of the rules. He feels that what is important is what happens going forward and how the property is being kept and how it is being merchandized and how it is being respected. There is no density issue and it is now in compliance and it still was not approved. And now it just goes on and he has to trek back up to Fox Lake to have discussions about something. Commissioner Nakanishi said that one point that really bothers her is Mr. Graybill was notified by Donovan 3 times and yet continued renting. Mr. Graybill said that Donovan recommended that the rentals not continue and "it would probably be in the best interest and received more favorably by the Board if you were to cancel all of your short-term rentals". That is different than saying "cease and desist" and "you're violating the law" and "you must stop or there will be an adjudication process" which he did not know until he got here on March 10th and had this hearing. He can only do what he knows to do and make decisions going forward. He has invested a lot in the property and took this process very seriously once he understood the process. He has been back and forth with Brigitte asking if is complete and up-to-code, is everything done right, having Ken out, having electricians, replacing smoke detectors. We are good people and care for the community and our neighbors and no one has ever complained about the conduct of him or his family. All we are trying to do is enjoy our lives in Fox Lake

and this is a big part of that enjoyment. Mr. Graybill said that he hates being in a situation where they may not be able to continue on. Chairman Gauger said that this was a very passionate, sincere speech and it might help his cause if that type of presentation is made to the Board of Trustees. Commissioner Bongiovanni suggested that everyone in the audience take that same advice. Commissioner Legge added that there are a lot of emails that were sent to the Village against this petition. It would possibly help to talk to the neighbors and get them to understand your situation and perhaps write again saying that they understand now. The Commissioner said that he appreciates Mr. Graybills position but we have to weigh the whole in this matter. Your opportunity now is with the Board of Trustees, the decision is theirs.

Commissioner Bongiovanni asked if a petitioner is turned down by the Board, can they reapply. Chairman Gauger said we don't have a waiting period so yes. Not next week, but you can go through the process again but at some point that becomes an economic issue.

Sarah Groenendal said that they want this to be successful for all involved. If they were to come in for a 3 bedroom situation, would that change the decision of the Commissioners? Chairman Gauger said he wishes that they would have agreed to that for a year before their hearing was closed. Mrs. Groenendal said that they would agree to that for a year if that would sway the Board. She also said that if this is not approved, they will have to sell the house. Chairman Gauger said that this was an open hearing and the votes cannot be changed at this time. However, he again suggested that the applicants address the Village Board at the June 27<sup>th</sup> meeting. The matter is in their hands now. Commissioner Legge also suggested getting letters of support from their neighbors. Chairman Gauger also suggested an email or letter directly to the Mayor at least 5 days before the Village Board Meeting and request that the letter is included with the recommendations for the Board to review. Mrs. Groenendal says that they feel they are being punished because they followed the rules and did everything right which delayed the submission of their petition.

## **VI. Adjournment**

Commissioner Bongiovanni made a motion to adjourn the meeting and was seconded by Commissioner Legge.

### **Affirmative Vote**

All in Favor.

**Motion Passed**

**Meeting Closed at 8:36PM**

Respectfully submitted by,

A handwritten signature in blue ink that reads "Patricia Russell". The signature is written in a cursive style with a light blue background.

Patricia Russell  
Deputy Clerk

**Click the following link to attend this meeting via Zoom:**

<https://us06web.zoom.us/j/81617321691?pwd=VzRtQ0NvMzMxTGNEK1Jvam1OM0V3dz09>

Meeting ID: 816 1732 1691

Passcode: 372879