



## PLANNING & ZONING COMMISSION DRAFT MINUTES

October 5, 2023, 6:30pm

66 Thillen Drive, Fox Lake, IL

Also Available Virtually Through the Link Below

**I. Call To Order** Meeting Opened: 6:30 PM Closed: 8:35 PM

**II. Pledge Of Allegiance**

<b>III. Roll Call</b>		<b>Present</b>	<b>Absent</b>	
Commissioner:	Bongiovanni	___x___	_____	
	Legge	___x___	_____	by Zoom
	Swanson	___x___	_____	
	Nakanishi	___x___	_____	
	Bell	___x___	_____	
Chairman:	Gauger	___x___	_____	

A quorum was established.

Also in attendance: Patricia Russell, Dusty Hosna

**IV. Approval of September 13, 2023 Meeting Minutes**

Commissioner Nakanishi made a motion to approve the minutes of the September 13, 2023 meeting, as written, seconded by Commissioner Swanson.

**Affirmative Vote** All in Favor

Motion Passed

**V. Old Business**

1) 40 S Route 12 – McDonalds – Sign Variance Amendment

Open: 6:32 PM

Close: 6:55 PM

Brian Schaner was sworn in.

Chairman Gauger described the picture submitted by Mr. Schaner to Commissioner Legge who is attending via Zoom.

Mr. Schaner said that the point of the variance is to change the size of the message center from 3'x5' to 5'x5'. The 3'x5' sign was originally submitted and approved.

Commissioner Bongiovanni asked if the brick wrap around the pole is what they intend to go forward with. Mr. Schaner said this is a thin brick and matches the building façade and they plan to go with something similar. The drawing shows intent to change in height only. Commissioner Nakanishi said that the thin brick design looks good.

Commissioner Swanson asked about the set back from the road. Commissioner Legge recalled that the set back is 10 feet. He said that his concern is with the sign blocking the sign to the south (formerly The Smoke House). The placement of the sign on the drawings was somewhat misleading as the rendering showed the sign placed in the middle of the property but the plan shows the sign placed at the far south of the property. Commissioner Legge is concerned that a sign for the property to the south would be obscured and making the sign larger (5'x5') would only make that worse. Is it possible for McDonalds to consider putting that sign farther north? Also noted, Moretti's sign is not 25 feet; it is 20 feet.

Mr. Schaner said that the holes for the sign are already dug and helical piers are already in place in the south location; where it was proposed. Commissioner Bongiovanni recalled that at the start of this process McDonalds wanted to move the sign as well because they didn't want their sign obstructed by the sign to the south. Mr. Schaner said that he doesn't know where the Smoke House sign is in relation to the proposed McDonald's sign, he'll have to check on that. Commissioner Legge said that sign are less than 30 feet apart. Chairman Gauger pointed out that, conversely, the McDonald's sign would be obscured from traffic going north by the Smoke House sign.

Commissioner Legge pointed out that there was no work done (no holes dug) at the time of the last meeting and the commissioners suggested that no work be done until we had this meeting. He doesn't know what work has been done but hopes that there was not a great expense put into this. Commissioner Legge hopes that McDonald's can work with the Village on this.

Mr. Schaner said that the sign has to go in the present location because of the parking along Route 12, and there is no other area to put the sign. Commissioner Bell said there might have been some misunderstanding when the sign was voted on because the rendering showed the sign being in the middle of the property.

Chairman Gauger said that we have an issue of placement of the sign, even though the new rendering shows it correctly placed from the lot line but lining up with the sign that is 30 feet away. We have already given them the 25 foot tall so, at some point we can't hold up the progress of this job. We have asked a couple of times

but our requests don't seem to be coming to fruition. However, the reason that McDonalds came back was the question of the size of the electronic message center.

Commissioner Legge said that he is not comfortable with making a sign that is already obstructive even larger. He would be more comfortable with the larger (5'x5') message center if the sign were center placed. Commissioner Bongiovanni said that he agrees with that position. He does appreciate the brick around the pole. Commissioner Legge suggested that he would like to hear directly from McDonalds on this and asked that Mr. Schaner go back to McDonalds and ask them if they would consider making that kind of movement of the sign to put it in the middle of the property. He also asked if such a discussion has taken place. Mr. Schaner said this has not been discussed. He said that this was approved in May (the 25 foot height of the sign) and he does not recall hearing anything about the placement of the sign. This is the first he has heard of a placement concern and he will be more than happy to say something but he doesn't know what that is going to do since they have already dug for the footing and he is almost positive that the helical piers are already in the ground.

Commissioner Bell said that he thinks this looks good and he does not want to hold this project up.

Chairman Gauger said that our only decision tonight is whether to allow the increased size of the electronic message board. Commissioner Bell suggested a 3'x6' display instead of 3'x5'. Mr. Schaner said that 3'x5' and 5'x5' are standard sizes; 3'x6' would have to be custom made. Commissioner Bell said he likes the square shape and it would make for better graphics. Mr. Schaner said that the owners' biggest concern was to be able to put a static picture as opposed to a smaller picture that would have to change every few seconds. Commissioner Bell advised that a 5'x5' sign would be one of the largest we have in town. Moretti's might be a little larger but they are not obstructing any other signs.

Commissioner Legge restated his objection based upon the sign blocking the business sign to the south. He suggested that, if McDonald wants the 5'x5' sign, perhaps they should come back to this board with plans to relocate the sign further north on their property.

#### **Motion of Recommendation:**

Commissioner Nakanishi made a motion to approve the petition for a Sign Variance at 40 S Route 12 (McDonalds), the sign being a 5'x5' electronic sign on the 25' already approved McDonalds sign in accordance with the Village of Fox Lake sign ordinance 10-1-6 (multiple sections). The motion was seconded by Commissioner Bell.

#### **Discussion:**

None.

**Roll Call Vote****Yea****Nay**

Commissioner:	Bongiovanni	_____	__x__
	Legge	_____	__x__
	Swanson	__x__	_____
	Nakanishi	__x__	_____
	Bell	__x__	_____
Chairman:	Gauger	__x__	_____

Motion Passed.

**2) 174 Riverside Island Dr. – Special Use Permit Short-term Rental**

Open: 6::56 PM

Closed: 8:13 PM

Luke and Angie Thorn were sworn in.

Chairman Gauger said this is the third time before this commission, please tell us what has changed.

Mr. Thorn said they have reconsidered the special use permit condition recommended at the last meeting that they offer only 2 bedrooms (4 adults maximum). There have been other changes made to their rules and regulations since their original submission in June. (see attached)

Mr. Thorn read a written statement recapping actions and plans and their understanding of the last few months in regard to this hearing.

The Thorn's did rent this property to a long-term (30 day) renter and it was not a good experience. There were a lot of issues including excess trash being left in front of the garage, cars double parked in the road way, speeding cars, etc. The Thorns stated that they used this experience to improve their rules and regulations for short-term and/or long-term renters. They also purchased additional trash cans and trash will be stored in the garage until pickup day. The renters will not be responsible for the trash; the Thorns will take care of that. Also, they are installing another camera to increase visibility of cars and trash on their property. Several of the neighbors sent in emails and photos concerning the above problems (attached).

Chairman Gauger stated that there are standards for rentals in the village. The Thorns were at the workshop with Ansel Glick where we went over the standards and learned that all of the standards have been court tested.

*1) Please explain how granting the request will not have an adverse impact on the community:*

The rules and regulations have been set-up to have minimal impact on the community and have recently been updated to address specific situations that will not be tolerated.



- 2) *Please explain how granting the request will not have an adverse impact specifically on contiguous and adjacent properties. Also, please explain how the request will not have a negative impact on the property values in the surrounding area:*

Mrs. Thorn said that currently the property is zoned residential and that will not change. There will be people living there the same as if the Thorns were there.

- 3) *Please explain how granting the request will not have an adverse impact on future development of the surrounding area:*

Mr. Thorn would like to retract the previous statement and use that for this question.

- 4) *Please address the availability of utilities, access to roads, and drainage:*

Chairman Gauger said the biggest one here is access to roads. Mr. Thorn stated that the updates to their rules and regulation allow only two cars and the zero tolerance guidelines regarding parking will hopefully mitigate these issues.

- 5) *Please indicate what steps have been or will be taken to ensure that all entrances and exits will not increase traffic congestion:*

Chairman Gauger advised that the one road in – one road out situation is inherent on the island. Mr. Thorn recognized the concern about emergency vehicles not being able to get to the end of the island. He feels that by limiting guests to 2 cars will offset that concern.

- 6) *Please address how granting the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located:*

Mr. Thorn said that they hope that their updated rules and regulation are now in full compliance with the zoning ordinance and have made recent updates to address specific items in order to co-exist with the neighbors.

Commissioner Nakanishi asked how many were staying there over the Labor Day weekend. Mr. Thorn said he believes there were 9 people, 5 adults and 4 children. These long-term renters were nice people but it was difficult to get them out. Commissioner Nakanishi said that one of the neighbors approached her in the Jewel and complained about all the cars at this property. Mrs. Thorn said that this is one of the reasons they don't want long-term renters, it is much easier to get rid of short-term renters if there is a problem.

Mr. Thorn apologized to the neighbors and plans to move forward having learned a lesson. They are doing all they can to address all of the concerns. The long-term tenants are gone now. Mrs. Thorn said that this was not a short-term rental and they have taken steps to avoid these problems in the future.

Commissioner Legge said that the neighbors obviously were not pleased with the problems that occurred. The Thorns have made it clear that these problems are not what they wanted and they are taking steps to avoid them in the future. One of the advantages the Village has is the ability to take away the short-term rental permission from the petitioners if they do not comply with the regulations. If the Thorns choose to keep this as a long-term rental, the Village has no recourse and neither do the residents.

**Audience Comments:**

Connie Loef was sworn in.

Ms. Loef has a Short-term rental on Whitten Street. This street has only 5 houses that face the lake. It is a dead-end where people have to turn around and the garbage trucks have to back out. This sounds similar to the situation that the Thorns have. She advised that, until you start renting to people, you don't get a feel for what you should have pointed out or rules that you should have in place. Short-term rental is difficult and you learn as you go along. She feels that the Thorns have taken to heart the lessons of their first rental experience. Ms. Loef advised that if long-term renters are really awful as neighbors, there is nothing that you can do about it. She also said that her short-term rental neighbors have caused no problems at all.

Nate Groeneneal (by zoom).

Mr. Groeneneal said on behalf of the Thorns have stayed true to the process and have not short-cut the required steps. If others had responded to problems as quickly as the Thorns have, there would be a lot less issues with the STR business.

Message on zoom: Bruce Burdick – 169 Riverside Island  
Regarding short-term rentals, I am in favor of it.

Holly VanMetre was sworn in:

Ms. VanMetre supports approval of this short-term rental. Ms. VanMetre and husband live in Spring Grove. They are responsible people and have the best intentions. They own a STR in Lake Geneva, Wisconsin. Their neighbors were leery in the beginning. These properties are like luxury rentals on the AirB&B market. The price point for these rentals draws high-quality people. Ms. VanMetre says they have never had an issue with STR's. They get a lot of families with small children, older women, older men. She suggested that the price point alone will weed-out a lot of people. Let's think about what could go right. Ms. VanMetre said that her home has generated over \$4,000 in tax revenue just this summer. That's a direct benefit. The workers at the home are local. Angie and Luke operate from a place of integrity and hopefully they will have a chance to prove that.

Mike Jennings – 182 Riverside Island – was sworn in.

Mr. Jennings suggested that the commissioners consider unique layout of Riverside Island in regard to any kind of business. It is a very narrow, tight area with a very narrow bridge. They are a very tight knit community. The vast majority of residents object to the short-term rental or any other business. Chairman Gauger asked: how many of the residences on the island have been long-term rentals? Mr. Jennings said only 1 that he is aware of (he's been there for 25 years).

Patricia Wolf – 176 Riverside Island - was sworn in.

Ms. Wolf stated that she once lived next door to a rental unit where a man broke into her house and raped her. Now she does not feel safe with a potential rental property next to her. She has lived on the island (as a renter) for about 4 years and suddenly does not feel safe. She also stated that her parking area has been infringed upon by the renters who were at 174. She said that she will probably have to move if this STR is allowed.

Nick Sheridan – 188 Riverside Island - was sworn in.

When walking his dog, he was almost hit by a speeding car coming around a corner. Also, he did not sign up to be the neighborhood police watch and doesn't want to call and bother them. He also stated that he is concerned about the safety of his elderly mother. He doesn't like the revolving door idea of the STR.

Susan Stark – 179 Riverside Island – was sworn in.

There is no fence from the pad of 174 down to the water. There is concern about trespassing and surveillance and things of that nature. 50% of the 18 residents are at the meeting tonight asking for the short-term rental to be denied. Ms. Stark submitted photos (attached). The woods are close by and the garbage left out by the renters drew raccoons to the neighborhood. Chairman Gauger noted that a solution to the garbage problem has already been discussed and has been put in place by the Thorns. Ms. Stark also submitted copies of a Facebook page (attached) indicating that Mrs. Thorn had participated in post regarding a possible short-term rental of this property. Ms. Stark read from the copy but stopped short of the last entry in which Mrs. Thorn stated that "until it" (the short-term rental) "is approved we can't rent it for less than 30 days".

With the long-term renters, Ms. Stark was concerned about speeding vehicles as the speed limit is not posted. Chairman Gauger suggested that the residents put up a sign suggesting an acceptable speed. Ms. Stark concluded by stating that this is an island and the residents don't want a business on the island.

Pamela Perrin – 183 Riverside Island – was sworn in.

Ms. Perrin said that the last 30 days were terrible and we all can agree on that. Just

because they change the rules on a piece of paper, doesn't mean renters are going to adhere to those rules. It seems silly to her that the Thorns couldn't manage it in live time, but think they can manage the situation by writing new rules on paper. Ms. Perrin said that every year she writes a list of goals but she doesn't accomplish one of them.

Ms. Perrin said that, if you remember, the camera was the big thing initially. Now they are going to get a router and a better camera; they didn't watch the camera before. Ms. Perrin called the Thorns at night as she and her grandchildren almost got hit. Mr. Thorn said that he would talk to the renters again, said that he was well aware of the speeding issue but didn't know what to do about it. She also said that one night she found 2 of the renters in the middle of the road, apparently drunk.

Commissioner Nakanishi asked: How many times in the 4 years that Patty Wolf has been a renter on the island have the police been called out because of her? The answer was, "not a one". How many times has she caused problems that upset the neighbors? Ms. Perrin answered, "not a one".

Alex Bogdanovitch was sworn in.

Mr. Bogdanovitch lives across the street from the renter (Patty Wolf). Short-term versus long-term rentals: this 30 day rental was a short term rental, in his opinion. He feels that with long-term rentals you can establish a relationship with the neighbors. Chairman Gauger reminded that our laws establish long-term rentals as 30 days or more.

Tom Klein -171 Riverside Island Drive - was sworn in.

His perspectives: the Thorns said that they were going to "vet" people so that we have good people. It seems that the website that was used to get these 30 day renters is the same website they plan to use for short-term renters but it seems like that didn't work very well. The commission was told that they have a ring doorbell and they would see right away if there is a problem and they would take care of things right away. Angie made the point that she doesn't know how many times that car (see photo) was double parked and Mr. Klein said it was only once but the Thorns didn't take care of the situation as promised. Some of the garbage was in the street for 3 days before being picked up.

Mr. Klein said that the maintenance standards have not been met; the standard of not being injurious to the enjoyment of other properties in the immediate vicinity has not been met; standard #4 is the one that the neighbors stressed in the beginning, on the island there are no sidewalks, no fire hydrants, no sewer, no city water, streets are very narrow, one-way traffic in multiple spots. This is not a place for short-term rentals.

Chairman Gauger thanked the audience for their comments. The commissioners have digested a lot of comments, a lot of testimony in regard to this petition.

Commissioner Bongiovanni asked if there are any requirements for a fence going to the water line. Chairman Gauger said there are none.

Commissioner Bell said that he felt all along that this location does not meet standard #4. There are no sidewalks, very narrow streets, it's hard to get in and out of there. The commissioner said that he respects the fact that the Thorns have set a limit of 2 cars and 2 bedrooms, but it is still 4 adults and unlimited kids which will tax the septic system and cause traffic congestion, both pedestrian and vehicle.

Commissioner Legge said that the previous concern of the commission was the impact this would have on the community and the fact that the Thorns have no experience with short-term rentals. The reason to set the limit of 2 bedrooms (4 adults) is to give the Thorns the opportunity to do this on a very low risk basis as opposed to filling the house. They have the right to have a business in their home. The community also has the right to voice their concerns. The residents also should consider that it is much easier to get rid of short term renters than long term.

Commissioner Nakanishi asked: how can you not hear the anguish of the neighbors on the island? Commissioner Legge said that he hears that but most of the short-term rental property owners came to this commission with neighbors who had fears and all but one has worked out well.

Commissioner Bell asked if we have taken a short-term rental permit away from anyone in the past. Chairman Gauger said that he is aware of one that went to adjudication but does not know the results. He also mentioned a situation of a raging party that the mayor resolved and has not had such a situation since.

Dusty Hosna said that the village sent out 6 notices today and there is 1 in adjudication. These are all short-term rentals that have not been approved by the Village Board. Commissioner Nakanishi asked if there is anything that the neighbors can do. Dusty said that we use any information that the neighbor supply to go after these unlicensed short-term rental owners. Can the neighbors take action and the village will look the other way? No. Dusty said that the village does have "teeth" and the Community Development Department is sharpening its tools in this matter.

Mr. Klein said that 80 – 90% of the neighbors are opposed to this STR. Another commenter said that a protest letter has been submitted regarding this STR, do they need to file another letter when this goes to the Village Board. Chairman Gauger said that Village Board has a complete file, including any letters.

### **Motion of Recommendation:**

Commissioner Bell made a motion to approve the petition for a Special Use Permit to operate a short-term rental on the property commonly known as 174 Riverside Island Drive, Fox Lake, Illinois, in accordance with Village of Fox Lake Zoning

Ordinance 9-1-6-10, subsection C with Standards 1, 2, 3, 4, 5, and 6 satisfied.  
There is a condition: that this rental will be limited to 2 bedrooms (4 adults) and parking spaces for 2 vehicles, for the first year.

The motion was seconded by Chairman Legge.

**Discussion:**

None.

Roll Call Vote		Yea	Nay
Commissioner:	Bongiovanni	<u>  x  </u>	<u>      </u>
	Legge	<u>  x  </u>	<u>      </u>
	Swanson	<u>  x  </u>	<u>      </u>
	Nakanishi	<u>      </u>	<u>  x  </u>
	Bell	<u>      </u>	<u>  x  </u>
Chairman:	Gauger	<u>  x  </u>	<u>      </u>

Motion Passed.

**VI. New Business**

**1) 509 S Route 12 – Sign Variance**

Open: 8:14 PM      Closed: 8:30 PM

Keith Kalina was sworn in.

Mr. Kalina said that he is here to get a sign on his building. He said he has submitted all the pictures and everything. He's just here to see if the commissioners are going to allow that or not.

He said that the reason he's requesting a bigger sign is because it is on Route 12, there is a lot of traffic going past on that road. The size of the sign that you guys want really wouldn't be visible with that traffic and how fast it's traveling past that road. There was a sign on that building previously; he is just increasing the size. I'm not going beyond the building or anything. I think the sign fits the face of the building perfect. It's a nice clean look for the town, I think.

Chairman Gauger asked, have you got a front facing sign already, or is this a picture in here of what you want? Mr. Kalina responded, that's a picture of what I wanted. Chairman Gauger: so that's a rendering for the front and you're asking for two sidewall signs? Mr. Kalina said he is willing to compromise on that if he can have the one front wall sign. He is not too worried about the side ones. He is really more concerned about that one in front because it's the front of the business. There is a smaller sign there now that has the old plastic computer sign. He said he would just be taking that plastic out, putting new plastic in, which is the company name. He doesn't necessarily have to have those two signs, but the two side signs do face two major roads. There are other buildings in Fox Lake that have side signs so he doesn't see what the problem is on that.

Chairman Gauger said, so this is for the wall mounted signs. You also have a freestanding fluorescent out front that wasn't part of this application.

Mr. Kalina said that he can leave the sign how it is and doesn't have to do anything with it and can leave it saying computer. Chairman Gauger replied, when you change it over to what you want, you're going to have a front, you're going to have a north and a south facing fluorescent sign and then they'll look at your building and you'll have it the on the face. If you go forward with using what's already there, and all you're doing is putting acrylic, you've already got north and south exposure. Plus they'll go, "Oh look, what's that", as opposed to having two wall signs. Mr. Kalina said that with the sign that's already there on the post and the plastic is very small, you're not going to be able to see what it says. Chairman Gauger suggested, because it's already there, maybe Mr. Kalina would want to come in and ask for a variance to see how much larger he could make it.

Mr. Kalina said that he is not worried about that because he is renting the building right now. That's on a steel post that has electric ramps and things like that. He is not going to go to that expense. Right now, he plans on possibly purchasing the building in the future. He is negotiating with the owner, but at this time would not do that, because that's going to be quite some expense; steel, new sign things like that. He is just looking to put something around the front, two on the side, and he is not looking to do anything with the fluorescent sign right now because it's such a small freestanding sign.

Chairman Gauger said, these are the questions that we have to ask here. You want this now, but you've already got something that you could use in the future that we just want to make sure we've got it on the table.

Mr. Kalina said that, as of right now, that sign would just stay how it is. He doesn't plan on doing anything with that in the future. One other thing; I used to have my old location next to Dipstick in Fox Lake. A sign that I had there is similar size and everything, so I'm just putting that there a little bit bigger but on the face of this building there is more room to put a bigger sign and I think it would, with the traffic there, need to be that big, just like Moretti's put up their huge sign because with those cars traveling 50 miles an hour, whatever they're doing, a small sign is not going to catch anybody's attention. He sees why Moretti's updated their sign, because they had a pretty small sign before.

Chairman Gauger asked for comments from the Board. Commissioner Swanson asked where the side signage is proposed to be located. Is it going to be on the awning part or is it going to be on the side? Mr. Kalina suggested it will probably be where the old sign was, on the front where it used to say "computer". He is just trying to make it pop. It's presentable to the community, helps the community if people need heating and cooling services, things like that, he does a lot of work in the community now.

Chairman Gauger asked if there is anything in the sign ordinance that states that you can't have three signs on a building. Dusty Hosna said that what triggered this was first the size of the sign which is under ordinance number 10-1-6-3: Primary Wall Signs, maximum area of the primary wall signs shall be 1.5 times the length. That's the first variance that's

requested. The second, where it says sidewall signs, that's what keeps him from actually having any wall signs. He's not technically permitted any sidewall signs. If you're talking maximum amount of signs allowed, there is a section that talks about that.

Chairman Gauger stated that there are two pieces to this. One is the variance for the front sign being larger than permitted. The second is the two sidewall signs. Four foot tall by eight foot wide is a pretty big sign. Mr. Kalina agreed that it is a big sign, but if you look at the picture there, it looks very good on the front of the building. It's not something obnoxious.

Mr. Kalina said that the side ones he wants to put up are four by eight and will be by the two that are existing there. There were already two existing signs from the computer place, and they are four by eight, two sides. And he thinks the rules say as long as they're facing two main roads, you can have two sidewall signs.

Commissioner Swanson agreed saying that it has to be a corner line. But, we can't allow these signs and then just leave the old computer sign (pole sign) out there. If you don't want to use it, then it's got to go. Mr. Kalina stated that he has no problem, he can take it down, or otherwise he can refile for a re-face of a sign.

Commissioner Swanson said that he thinks Mr. Kalina should re-face that sign, and then just keep the sign in front. Chairman Gauger said that's kind of what he was getting at. Mr. Kalina said, it's not a big deal on the sidewall signs. I'm going to have a nice sign out front, and if you want me to re-face the one with the plastic, I'm more than happy to do that.

Commissioner Swanson said, that's illuminated at night, right? Mr. Kalina said that he has gone through the electric and has done some troubleshooting. It hasn't been lit up lately; it looks like there's a bad neutral on it. There's going to be more involved to get it powered, and I haven't talked to the owner, Mike Helios, but he's a really good guy, so Mr. Kalina is sure he'll compromise, maybe take some money off the rent or something if I get that going for him.

Chairman Gauger said that he thinks that that would be more of our suggestion because of having three signs on one building, and we do understand the advertising aspect. We know that it is 50 miles an hour, that they do 70 until they see it's gone down to 40 and then they're only doing 50. Mr. Kalina agreed by sighting an instance like Dipstick. They just put up that nice illuminated sidewall sign. I don't want to keep going on, but there are many sidewall signs in town that I can point out and we can keep going on and on about it, but it's not what I'm here for. Commissioner Bongiovanni asked if we are able to grant portions of the variance. Chairman Gauger said that we are going to vote on the first part of it.

Mr. Kalina said he could see if it was this loud crazy going over the side of the building something, but disagree or agree with me, it fits fine. Chairman Gauger said that it fits the front one's fine, it fits great, we don't have any problems with your front one. We're just trying to give you the easiest way for the village board not to say "no" and a front and south sign and regarding the front sign, you're treading thin, even with our recommendation. Mr.



Kalina stated that if he could have the side ones, great, but if not, I completely understand, because the front, the side, and then if I have that plastic one, you gone sign crazy there. Commissioner Nakanishi pointed out that this would set a precedent, too, and everyone would want four sign. Per Chairman Gauger, everybody pointed and saying, he's got three signs, and they would want that too. Mr. Kalina understands; you guys have to stay within limitations, so it's fair to everybody. So I'm fine with the front and get that lit up one going.

Commissioner Legge has a question; the size of this sign in the front and the content of it appears more like a billboard to me than it does a sign. I don't think I ever missed the presence of "computer" across the front of the building before, so I don't know that I would miss it if the sign just said Premier Comfort. There's an awful lot of content on here that if the thought is that people are going to be speeding by, I don't know that people are going to be able to read your phone number, let alone sales service and installation and heating and cooling. Just from a standpoint of what your objectives are. I don't know that you're going get everybody seeing all those pieces unless they stop and they're not going be doing that on Route 12.

Mr. Kalina responded the he thinks the writing on the sign is irrelevant to anything on there. Any sign has a phone number and what you do on the sign. If I don't have that stuff on there, how are they going get ahold of me? How are they going to know if I do sales, installation or do I just sell stuff out of there? Chairman Gauger said that he understands that point, one of the things about marketing is passing something daily and then all of a sudden you need a service and you're like, hey, isn't that what is down at the corner of the street?

Mr. Kalina agreed saying that he has had billboards out there. I've had some billboards in the local area, Antioch, McHenry, things like that. During the first year, didn't get a single call from that billboard. The second year, about maybe 10 calls; the third year there were all kinds of calls from it because the people in the local area see the billboard as they drive by every day. I have a heating problem; where did I see that sign? Commissioner Legge offered that he did this for a living for many years, and if he were to want to put a sign on the wall, the one that you put up there is exactly what I would want to put up there. So, I would be pushing constantly for exactly what you've got there. I think it looks great. I think it's got pop. I don't know about having sidewalls. I don't think that they're necessary for what you're trying to achieve. I think it's great. My question is, does the village have any ordinance against billboard type contents on a sign. Chairman Gauger said that he does not believe so but, you can't advertise some other business that is located somewhere off site.

Mr. Kalina added that the only thing there is his name, his little character logo, his phone number, what he does, and that's it.

Chairman Gauger addressed Dusty, regarding page two of the application. The length of the architectural front is 27 feet. This is where we got all of our measurements from. Dusty said yes. The village code would be 40 feet. So the proposed sign is 64.5 square feet more? Is that what we would be approving? Dusty said yes, it's that much more than what's allowed (see Village Code 10-1-6-3-3a).

Chairman Gauger asked for any other questions for petitioner? Any audience comments about signs? No. Mr. Legge, any last words of advice? Commissioner Legge said, I'm just wondering, are we approving the front, the sides; what's our objective? That will be clear when the motion is made.

Commissioner Nakanishi made a motion to approve the wall-sign variance for the front sign at 509 S. US Highway 12, providing a variance for an additional 64.5 square feet above the Village code, but to retract the sidewall sign variance from this petition. The motion was seconded by Commissioner Bongiovanni.

Commissioner Legge asked for verification that we are dealing only with the front sign and Chairman Gauger confirmed that point. The side signs have been removed from this? Yes, we retracted it from the petition request.

Commissioner Bell asked if that pole sign needs a variance too? Chairman Gauger said that the pole sign is grandfathered in. So, when he comes back, unless he's going to change square footage on it, he's going to be able to do whatever he wants. Commissioner Bell said that he didn't know if maybe that compounded the variance somehow. Chairman Gauger said, no, those are two different things. Per Dusty, he can change those panels out with a simple permit.

## **Discussion**

None.

## **Affirmative vote.**

All in favor.

Petition passed.

Mr. Kalina verified that he is fine with the one in the front. No side signs and then I need to go in for another permit to replace the plastic and the free sand. Chairman Gauger said that is correct. Now, this recommendation goes to the village board. I have a good feeling that it's not going to get stuck there. Okay, sounds good. (NOTE: This petition passed the Planning and Zoning Commission and is complete. It does not need to continue on to the Village Board.)

## **VI 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.*

Dusty Hosna said that he has only 1 more Planning and Zoning meeting before he departs from Fox Lake. His last day will be November 17<sup>th</sup>, but he is willing to extend that time frame, if needed. We have 2 big projects that Dusty is working on, a PUD for a multi-family living space and a potential re-zone that are expected to come before the board in November. Chairman Gauger also noted that he and

Dusty have interviews next week with someone to join the board.

Someone in the audience asked about home buyers who want to start a short-term rental. Don't you think that someone who spends ½ million on a house would do their due-diligence to see if they would be accepted in the community. The audience member asked why consequences of such a purchase falls on the community instead of on the property owners. Chairman Gauger reminded that other residents may well be biased against STR's so that type of inquiry would probably not work. Chairman Gauger also reminded that we have turned down applications for STR's. Dusty said that our ordinances give the residents a lot of power to shut down STR's that are not following the rules. Also, this is just a recommending stage – there is a whole other stage that the applicants have to go through. There are also other processes in place to protect the neighbors.

### **Adjournment**

Motion to adjourn was made by Commissioner Bell and seconded by Commissioner Bongiovanni

Affirmative Vote: All in Favor

Meeting Closed: 8:35 PM

Respectfully submitted by,



Patricia Russell  
Deputy Clerk

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

**Topic: PZC Special Meeting**

**Time: Oct 5, 2023 06:30 PM Central Time (US and Canada)**

**Join Zoom Meeting**

**<https://us06web.zoom.us/j/81508300980?pwd=fa6OfxOIIDqdOTrFN7WoiruN8xiTb8.1>**

**Meeting ID: 815 0830 0980**

**Passcode: 551042**

**One tap mobile**

**+13126266799 US (Chicago)**

## House Rules and Information

2-Bedroom  
2-baths

### 1. Check-In and Check-Out

Please follow check-in and check-out times listed below.

Check-In Time	3 PM
Check-Out Time	10 AM

#### Check-in:

*Front door entry:* a 4-digit passcode to the front door smart lock will be provided to you the morning of your stay. Please contact us immediately if you have issues with the lock or getting into the house.

#### Check-out:

Please complete the check-out list below by 10 am on the last day of your stay.

1. Do not strip the sheets. Leave all of the bedding on the beds so our cleaners know which bed they belong to.
2. Place all used towels, washcloths, bath mats (etc.) in the bathtub/shower.
3. Load the dishwasher with any dirty dishes and start it before you leave.
4. Take out kitchen and bathroom garbage and place in the bins outside.
5. Turn off all lights/fans.
6. Make sure all doors and windows are locked.

7. If you use the grill, make sure it is clean and ready for the next guest to use.
8. Clean up any obvious spills, spots, crumbs, etc.
9. Remove all food and drinks from the cabinets and refrigerator.

## 2. Parking

This property can accommodate a maximum of 2 cars and will be strictly monitored for compliance. Vehicles may be parked in the gated driveway on the property, behind the garage in the indicated easement and/or 1 car can be parked in the garage should you have a smaller vehicle with dimensions not greater than 17 ft. long, 6 ½ ft. wide and 6 ft. tall. No more than 2 cars are allowed to be parked overnight at the property and need to be registered prior to your stay. This is a small neighborhood and guests need to respect the privacy and safety for those on Riverside Island in case emergency vehicles are needed.

**Repeated offenses will result in guests being asked to leave before the end of the stay without refund.**

An email will be sent to your email address on file after booking where you can register all guest vehicles.

## 3. 5 MPH Speed Limit On Riverside Island

**There is a strict 5 MPH speed limit while on Riverside Island. Repeated speeding offenses will result in guests being asked to leave before the end of the stay without**



## **refund out of safety for full-time Riverside Island residents.**

Riverside Island is a small community where residents share the road with motorists and pedestrians. There are no sidewalks and pedestrian families regularly share the road with motorists. There is also a blind curve to the right when coming on to the island and a blind curve to the left when leaving the island. Please be mindful of other vehicles coming and going in this area to ensure the safety of you and your guests as well as residents of the island.

## **4.Trash & Recycling**

All trash is to be disposed of properly in the 4 garbage cans located in the garage. Garbage cans are to remain in the garage at all times until trash day (Monday) in which a property manager will set out Sunday night for pickup and put back in the garage Monday night. No guest interaction is required with this individual. Any trash not properly disposed of in the trash cans or that exceeds the limit of 4 garbage cans, is the sole responsibility of the guests. This means that Monday morning there is to be no excess trash sitting in the garage that cannot fit in the trash or recycling cans and should be disposed of prior to Monday by the guest. Excess trash can be taken to the local Waste Management Landfill.

There is 1 blue can specifically for recycling and should only be used for recyclable products.

**This will be strictly enforced and repeated offenses will result in guests being asked to leave before the end of the stay without refund.**

**There is a \$250 fine for using the recycling can for trash and will be strictly enforced. Please only put recyclable products in the recycling can - thank you.**

## **5. Riverside Island Bridge**

Riverside Island bridge is very small and can only accommodate 1 vehicle at a time going the same direction. Please ensure only 1 vehicle going the same direction is on the bridge while entering and leaving Riverside Island.

## **6. No pets allowed**

No exceptions.

## **7. No smoking inside the property - including the garage.**

No exceptions.

This includes smokeless tobacco products and all vape products including tobacco, marijuana, cbd, etc. Please contain cigarette and cigar waste appropriately and dispose of it in the outside trash bins at all times.

**This will be strictly enforced and will result in guests being asked to leave before the end of the stay without refund.**

## 8.No unregistered guests are allowed.

If you are expecting daytime guests (not overnight), please provide us with their names prior to your stay in the email requesting you to register all guests. Remember - parking is limited to 2 cars and will be strictly enforced.

The maximum overnight occupancy is 4 adults and does not include children which there is no maximum.

**Exceeding the village ordinance will result in a \$500 fine, will be strictly enforced and result in guests being asked to leave before the end of the stay without refund.**

## 9.No parties or events.

Absolutely no parties are allowed on the property and will be asked immediately to leave without refund. Please see rule #8.

**Exceeding the village ordinance will result in a \$500 fine, will be strictly enforced and result in guests being asked to leave before the end of the stay without refund.**



## 10. Outdoor Areas

If using the firepit, ensure no open flames are left unattended, especially overnight. Thoroughly extinguish fires after use of the firepit.

Lifejackets and rescue equipment are located in the storage cabinet near the dock.

No running on the dock.

Do not jump off the dock into the water.

Children under 10 must be accompanied by an adult at all times when on the dock or near the water.

Please clean up all fishing/outdoor activities mess up after each use to ensure the dock is safe to use each time.

## 11. Quiet hours are 10 pm - 8 am.

Please respect the neighbors and abide by the quiet times listed above.

**No yelling or loud music is allowed at any time during your stay and includes out on the dock and boat if tied up.**

## 12. No illegal substances allowed anywhere on the property.

No exceptions.

### 13. Contact Information and Emergency Contact

If you have any issues at all during your stay, please contact the property owners:

Angie Thorn	(309) 337-0427
Luke Thorn	(847) 343-7434

**There is a FIRST AID KIT and FIRE EXTINGUISHER located in the laundry room on the shelf.**

Fox Lake Police (non-emergency)	(847) 587-3100
Police Emergency	911
Fox Lake Fire Department non-emergency)	847-587-3312

### 14. Compliance

Any violators of the house rules will be fined \$250 minimum per violation.

In accordance with the Village of Fox Lake Short Term Rental ordinance, this vacation rental has a 2-night minimum stay, and no more than 30 nights.

Village of Fox Lake  
Village Board Chambers – P&Z Committee  
66 Thillen Drive  
Fox Lake, IL 60020

October 5, 2023

Dear Trustees,

The purpose of this letter is to clarify the difficulty that I have had in contacting the Thorn's regarding garbage that was piled outside of their very 1st long term rental. I was shocked to see all the garbage surrounding this home.

Other neighbors next to/across from 174 Riverside Island called Luke Thorn regarding this problem on the previous 2 weeks. In the application hearings before the P&Z Board, the Thorn's said that they would be available, and could be on the premises, in a 10 minute drive from Antioch, it did not happen.

I called Angie Thorn on Monday, September 4<sup>th</sup> (Labor Day), stating that it was piled up like "New York City and was unacceptable". Angie Thorns text reply is attached.

I called and left a voice message (6:39 p.m.) stating that I would forward this to Dusty. We do not want to invite rodents nor do we want Riverside to look like a trash bin.

Resolution – yes, after "weeks" and numerous calls from other neighbors they placed trash bins out front, which was still not enough to hold all the trash from this 1<sup>st</sup> short term rental.

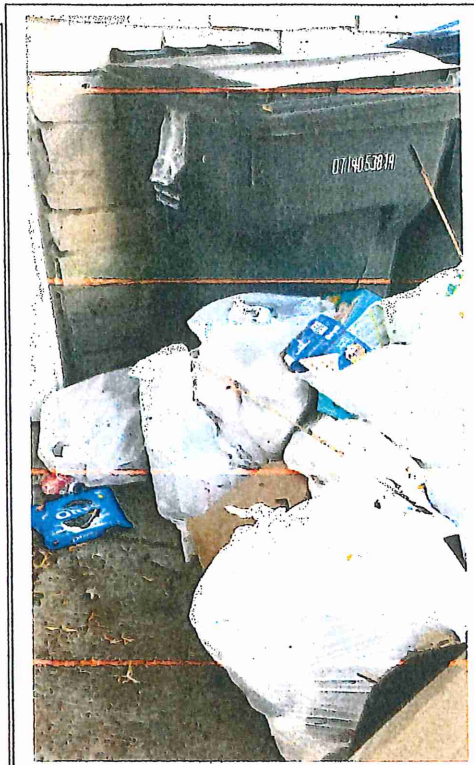
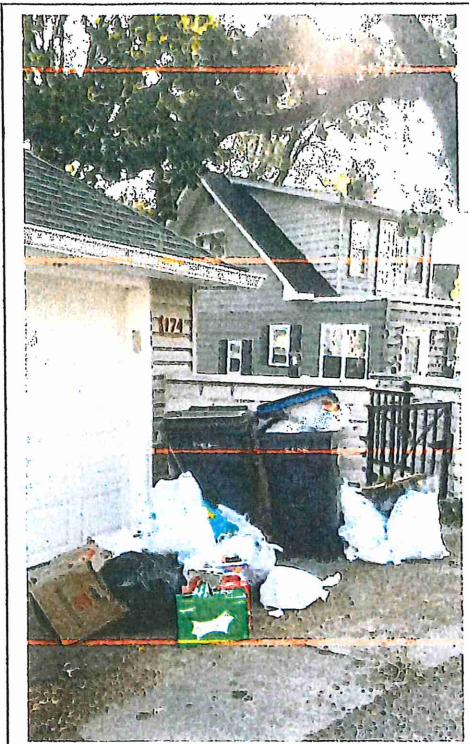
Sincerely,



Janette Jennings

182 Riverside Island





Media



6:46 PM



Sorry for the mess.  
Thanks for letting us  
know.

8:24 PM



# PROTEST LETTER

STR at 174 Riverside Island Drive , Fox Lake , IL 60020

I am the Property owner at the adjoining Property at 176 Tiverside Island Drive and would like to take this opportunity to Protest the proposed Short Term Rental.

Unfortunately I am unable to attend the Village Meeting the night of October 5<sup>th</sup>, 2023 due to a Teaching Assignment at the college of Dupage .

Over the last month there have been numerous instances of Trash being deposited in my Property as well as the yard of 174 Riverside Island from Renters that have occupied this residence. I have attached several Photos below.

I addition the renters have taken up parking spaces in front of my residence where parking is very limited.

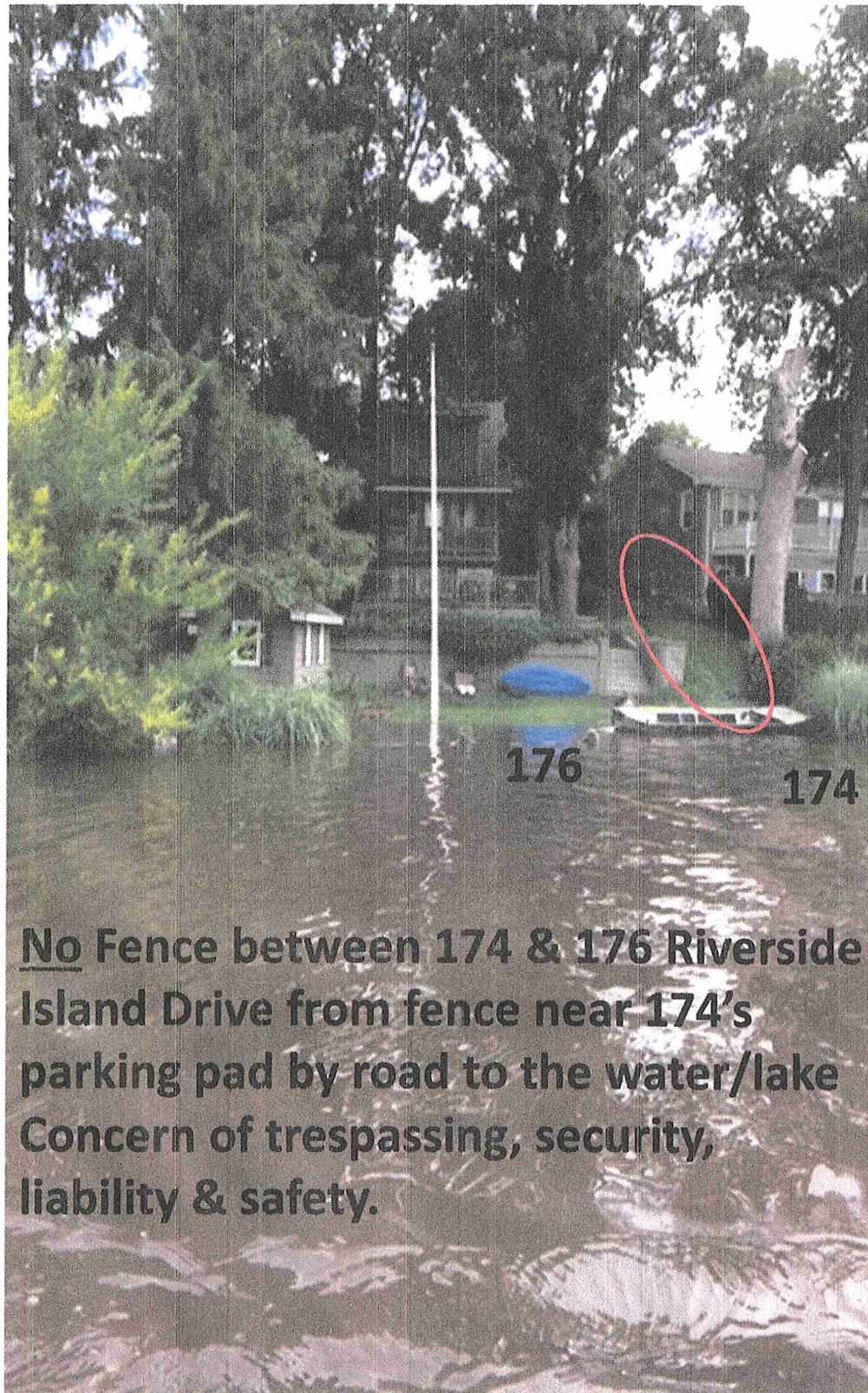






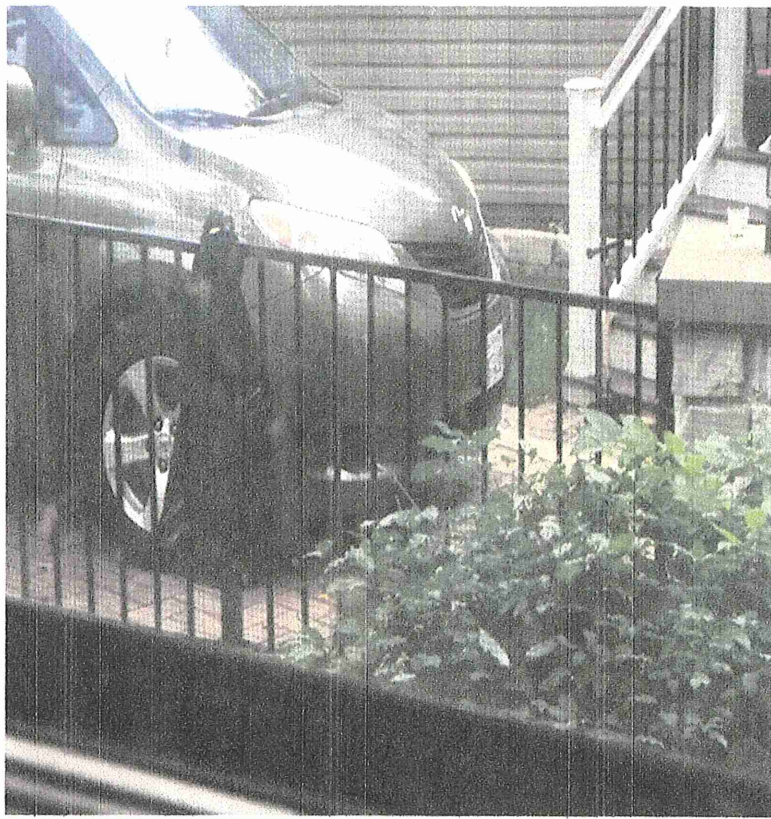
Best Regards,  
Robert Pausch



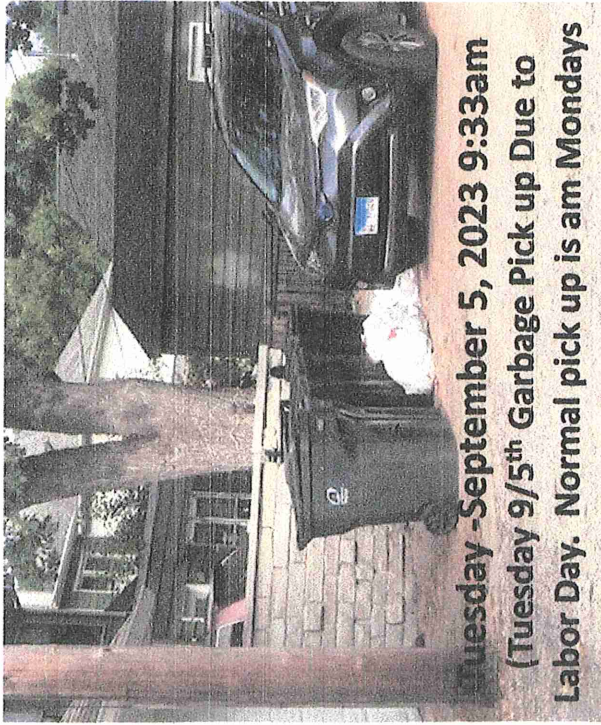


**No Fence between 174 & 176 Riverside  
Island Drive from fence near 174's  
parking pad by road to the water/lake  
Concern of trespassing, security,  
liability & safety.**

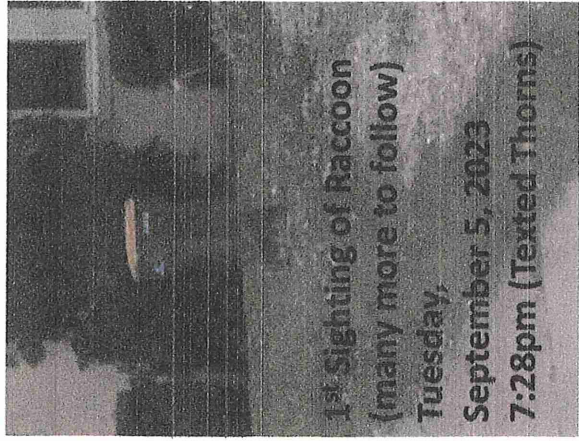




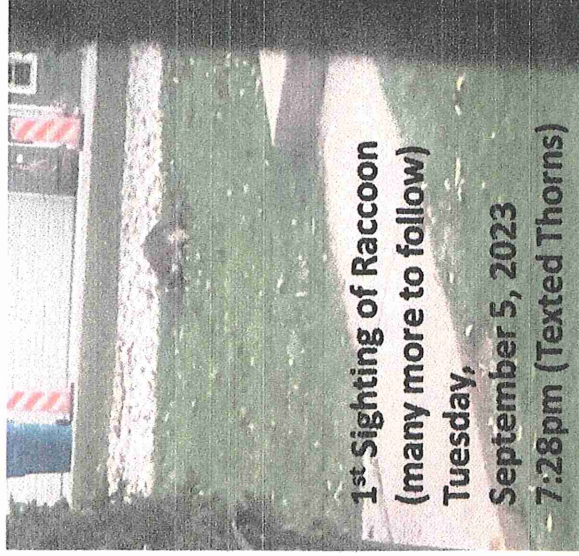




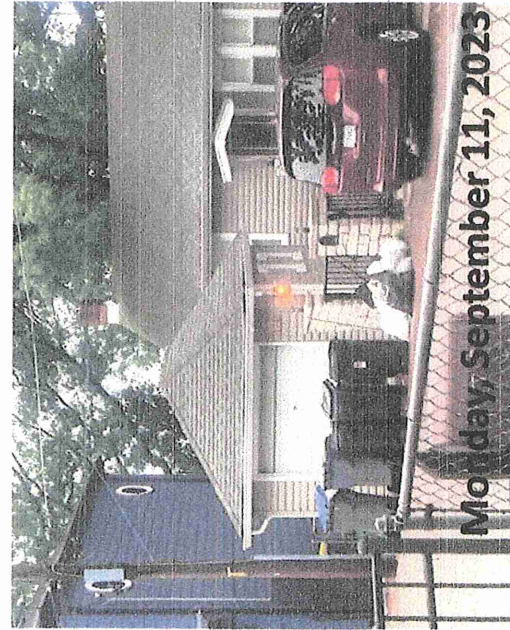
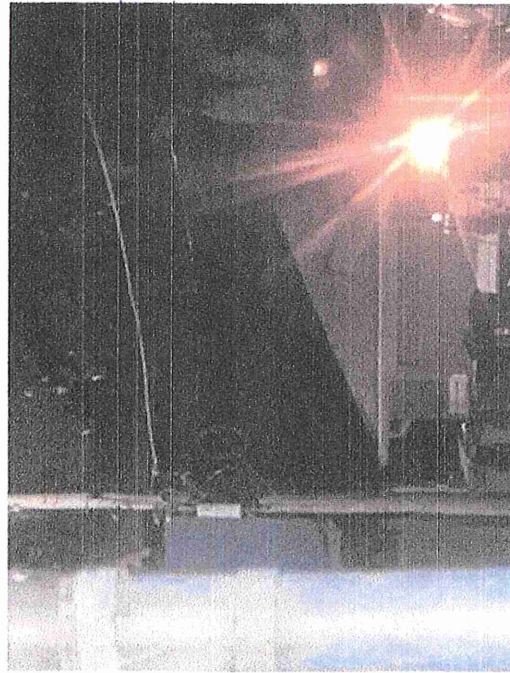
**Tuesday - September 5, 2023 9:33am**  
(Tuesday 9/5<sup>th</sup> Garbage Pick up Due to Labor Day. Normal pick up is am Mondays)



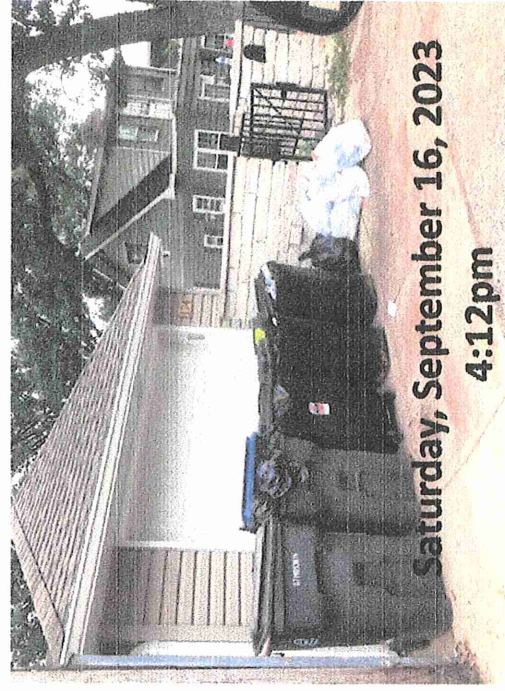
**1<sup>st</sup> Sighting of Raccoon**  
(many more to follow)  
**Tuesday,**  
**September 5, 2023**  
**7:28pm (Texted Thorns)**



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(many more to follow)  
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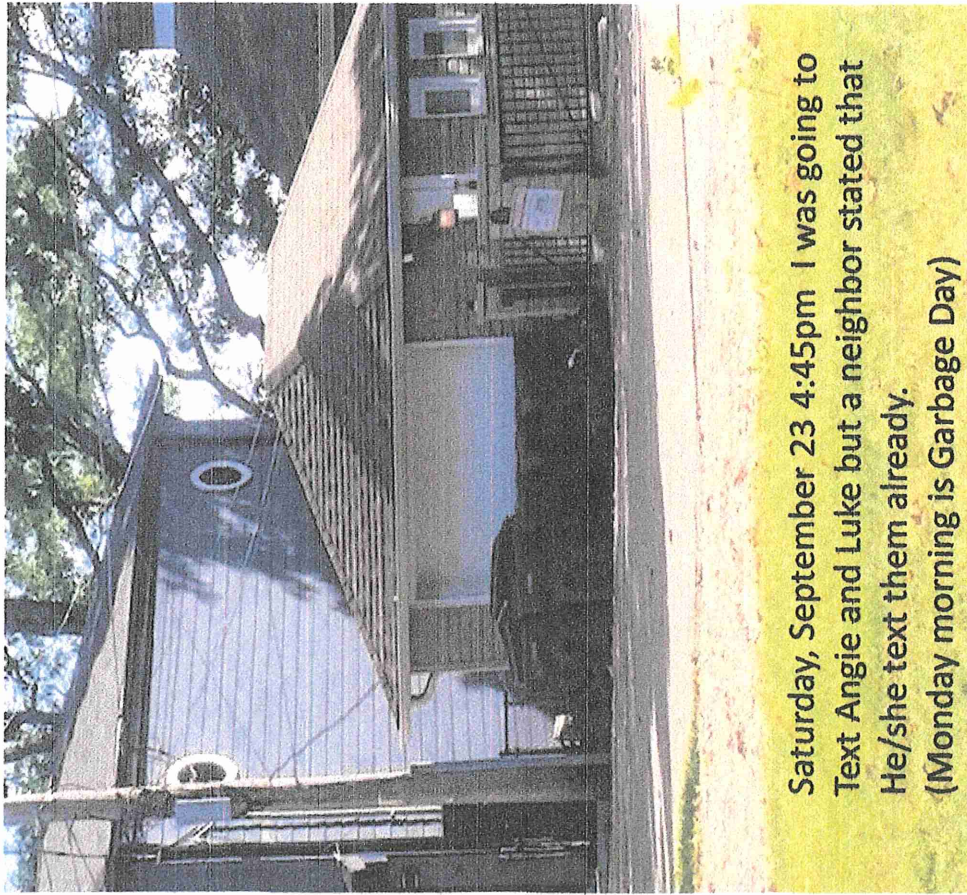


**Monday, September 11, 2023**



**Saturday, September 16, 2023**  
**4:12pm**





Saturday, September 23 4:45pm I was going to  
Text Angie and Luke but a neighbor stated that  
He/she text them already.  
(Monday morning is Garbage Day)



Saturday, September 23 4:45pm I was going to  
Text Angie and Luke but a neighbor stated that  
He/she text them already.  
(Monday morning is Garbage Day)







AIRBNB.COM  
**Home in Fox Lake · ★New · 3 bedrooms · 8 beds · 2 baths**  
"Island Oasis" - Nippersink Lake

9

Like

Comment

Send

16 comments

Top comments



**Sandi Robyn** Top contributor  
Can you rent it to "friends" short term?

5 w Like Reply



**Angie Thom** Author Top contributor  
Sandi Robyn yep!

5 w Like Reply



**Angie Thom** Author Top contributor  
Sandi Robyn you re now my friend 😊 please message me if you are interested.

Write a comment...



### Angie's post

Angie Thom Author Top contributor  
Sandi Robyn you're now my friend 😊 please message me if you are interested.

Dana Dana  
Katie Fullington house look familiar 😊

Kelli Jo Krauser  
Good memories in that house!

April Niemczyk Whitmer  
Gorgeous!

Darrin Scott  
30 day minimum?

Christian Thomas  
Darrin Scott right???

Write a comment...



### Angie's post

5 w Like Reply

Christian Thomas  
Darrin Scott right???

5 w Like Reply

Marc Poncher  
Christian Thomas let's chop it four ways one week each, you me and Darrin and?

5 w Like Reply

Christian Thomas  
Marc Poncher not a bad idea. I've already shared the post with some family and friends. Interest may be generated.

5 w Like Reply

Marc Poncher  
Christian Thomas I'm in for sept 29-oct 5 Friday to Friday if we put something together

5 w Like Reply

Christian Thomas  
Marc Poncher hahaha I'm looking at next summer

Write a comment...

😊 📷 📺 🧐

+ Suggest More Chat

### Angie's post

and friends. Interest may be generated.

5 w Like Reply

Marc Poncher  
Christian Thomas I'm in for sept 29-Oct 5 Friday to Friday if we put something together

5 w Like Reply

Christian Thomas  
Marc Poncher hahaha, I'm looking at next summer.  
September is already full- schedule wise.

5 w Like Reply

Marc Poncher  
Christian Thomas sounds good, owner reached out to me and looks like we could make something work. Village sets a 30 day minimum for Airbnb.

5 w Like Reply Edited

Angie Thom **Author** Top contributor  
Darrin Scott yeah, not ideal huh? We have been going through the short term rental permit process for 2 months now with the Village of Fox Lake. So until it is approved we can't rent it for less than 30 days

Write a comment...



Suggest New Chat





Angie's post

Marc Ponchner hahaha, I'm looking at next summer. September is already full - schedule wise.

5 w Like Reply

Marc Poncher Christian Thomas sounds good, owner reached out to me and looks like we could make something work. Village sets a 30 day minimum for Airbnb.

5 w Like Reply Edited

Angie Thom **Author** Top contributor Darrin Scott yeah, not ideal huh? We have been going through the short term rental permit process for 2 months now with the Village of Fox Lake. So until it is approved we can't rent it for less than 30 days 😞

5 w Like Reply

Jeff Ondrako Darrin Scott ????? Really? That's crazy

4 w Like Reply Edited

Kayla Siudak Victoria Nuccio ? ...

4 w Like Reply

Write a comment...



Suggest New Post