



## PLANNING & ZONING COMMISSION MEETING MINUTES

June 12<sup>th</sup>, 2024 6:30pm

66 Thillen Drive, Fox Lake, IL

*The meeting was held via in-person and via Zoom conference.*

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

**II. Pledge Of Allegiance**

<b>III. Roll Call</b>		<b>Present</b>	<b>Absent</b>	
Commissioner:	Joe Bongiovanni	<u>  x  </u>	<u>      </u>	By Zoom
	Stephen Legge	<u>  x  </u>	<u>      </u>	
	Eric Swanson	<u>  x  </u>	<u>      </u>	
	Barbara Nakanishi	<u>  x  </u>	<u>      </u>	
	Jeff Bell	<u>  x  </u>	<u>      </u>	
	Michelle Stewart	<u>  x  </u>	<u>      </u>	
Chairman:	David Gauger	<u>  x  </u>	<u>      </u>	

A quorum was established.

Also in attendance: Patricia Russell, Jodi Luka, Kyle Legge, Trustee Brian Marr

### **IV. Approval of May 8, 2024, Regular Meeting Minutes**

A motion was made by Commissioner Nakanishi to approve the minutes of May 8, 2024, as submitted. This was seconded by Commissioner Stewart.

<b>Vote:</b>		<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>
Commissioner:	Bongiovanni	<u>  x  </u>	<u>      </u>	<u>      </u>
	Legge	<u>      </u>	<u>      </u>	<u>  x  </u>
	Swanson	<u>      </u>	<u>      </u>	<u>  x  </u>
	Nakanishi	<u>  x  </u>	<u>      </u>	<u>      </u>
	Bell	<u>  x  </u>	<u>      </u>	<u>      </u>
	Stewart	<u>  x  </u>	<u>      </u>	<u>      </u>
Chairman:	Gauger	<u>  x  </u>	<u>      </u>	<u>      </u>

Motion Passed

### **V. Old Business**

None



## **VI. New Business**

### **1) 160 E Grand Ave – Special Use Permit to Operate Short-term Rental**

**Open:** 6:37 PM      **Closed:** 7:08 PM

**Monika Dmochowska** was sworn in.

The petitioner was before the Commission previously. Ms. Dmochowska stated that she has made the corrections to her property that were required and has updated her petition package as requested. She is requesting approval STR for 4 bedrooms and parking. Ms. Dmochowska has 2 other rental properties. She and her family will manage this property. She or a family member are within 15 minutes travel time – also will call police if needed. She will be using AirB&B only and they will do the screening. Will try to have renters of 30–40 years old and prefers to have families. The property is pet friendly and Ms. Dmochowska expects that renters will bring a radio frequency fence and has included “no barking” in the house rules. There are no cameras on this property and there is fencing on one side of property and the other side has a ditch and a fence. Each bedroom now has a built-in closet.

Jodi Luka said that the staff has no negative comments and the property has passed inspection.

### **Audience Comments**

**Eric Linquist** was sworn in. He lives on Highview just south of this property. His concern is about the turnover of residents in this area. He and his family enjoy this area for its peace and quiet and safety. He does not want strangers in the neighborhood. Most of the families in the neighborhood have children and pets.

**Ms. Dmochowska** returned. Six standards were read and answered. Ms/Dmochowska said that she wants to share the peace, quiet and beauty of the lake with her guests.

### **Motion to Approve**

Commissioner Bell made a motion to approve the Special Use Permit to operate a Short-term Rental as presented, for the property commonly known as 160 E Grand Avenue, Fox Lake, Illinois, Lake County, in accordance with Village of Fox Lake Zoning Code 9-1-6-10 Subsection C. By ordinance, six standards need to be satisfied. They are 1, 2, 3, 4, 5, and 6. There are no additional conditions.



The motion was seconded by Commissioner Nakanishi.

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

Motion Passed

## **2) 707 Kingston Blvd - Special Use Permit to Operate Short-term Rental**

**Open:** 7:09 PM

**Closed:** 8:01 PM

**Ryan Farcas** was sworn in.

This is the second appearance by Mr. Farcas before this commission. Mr. Farcas began his presentation by stating the Golden Rule and a bible passage directed to the neighbors.

There have been changes to the parking plan (now 2 cars in garage, 2 cars in driveway). Also, adjusted the number of bedrooms from 3 to 2 resulting in a limit of 4 adults. He has posted house rules in the entry way of the home. There will be cameras on the exterior of the property, sound sensors inside and outside and Mr. Farcas will give contact information to the neighbors. He grew up in Fox Lake for 19 years and currently lives in Wilmot and can be to the property within 10 minutes.

The property is in the flood plain and he does have flood insurance. The house is on a lifted foundation and has an oversized sump pump. There is a septic system between the house and the garage and it has been inspected. He has used this property for a weekend retreat for family members since it was purchased last October. Plans to rent between 3 to 30 days at a time: approximately 30% of the year. Mr. Farcas stated that he spoke to his neighbors on either side and they have no objection to a STR at this property.

### **Audience Comments**

**Donald Tebbins** was sworn in.

Mr. Tebbins said that his family members own 3 homes in the neighborhood (1 across the street) and have never met Mr. Farcas. They have never seen anyone at that house since it was purchased. This is a business venture, not for his family. There are already enough STR's in this neighborhood.



**Donna and Jim Plonczynski** were sworn in.

Mr. Farcas is here to “enjoy the water”, the residents are here for their families. Mrs. Plonczynski challenged the rules of the STR. She also asked about EMS access to the home and people are not vetted.

Mr. Plonczynski asked about vetting, said that this STR will be a detriment to the public health, safety and welfare of this neighborhood. He also said that the Finding of Facts in the petition are not accurate and are not addressing the standards that this board will question him on.

**Frank Bortko** was sworn in.

Mr. Bortko said that his daughter lives a few doors down from this property. He stated that STR vetting is not effective in regard to sex offenders or others. The street is not 30' wide, is poorly lit, has no sidewalks. This is zoned for single family homes, not a business. There is only one-way in and one-way out of the neighborhood and the police don't respond to complaints.

**Mike Breier** was sworn in.

Mr. Breier lives 2 doors away and has never met Mr. Farcas. There have been parties at the property twice since October. Other than that, Mr. Breier has seen someone cutting the grass maybe once per month.

**Harold Nestler** was sworn in.

Mr. Nestler said he has been a resident in the sub-division longer than anyone else. There is a tree in the middle of the septic field that has been dead for 2 years. Special Use Permits should only be for residents, not for someone to run a business in a neighborhood.

**Lauren Barca** was sworn in.

Ms. Barca spoke about AirB&B screening process. Their website says, “we perform random limited background checks only. We can not guarantee any identity of past criminal convictions or sex offenders.”

**Rich Murov** was sworn in.

Mr. Murov said that they have not had very good experiences with STR's in this neighborhood. Ryans' presentation was very professional and business-like but this is a



residential community.

**Zeena Viso** was sworn in.

Ms. Viso is new to the neighborhood. Most of her neighbors are terrified by STR's because they don't know who is coming to their very tight-knit neighborhood.

**Jake Stryjewski** was sworn in.

Went to school with Ryan. Mr. Stryjewski has a concern about renters on lake property becoming renters in boats. Who is held accountable when there is damage to boats or docks by the renters? What about property damage by renters who are gone in a few days?

**Ryan Farcas** returned.

Mr. Farcas proceeded to insult the resident in attendance with what he described as "jokes" and "humor". He stated that he wanted to purchase a property in Antioch but did not purchase because they don't allow STR's. He said that he is at the property twice a week to make sure everything is OK and to mow the lawn. Mr. Farcas said that his alternative an STR is to rent the property on a long-term basis and he would have limited ability to vet a renter and could not discriminate against a sex offender, pedophile or gang member. He would have to raise his price for a long-term renter but he could rent to a pedophiles or a sex offender. If he "has to go down that road, their money is actually greener". Another alternative is moving in himself. He works second shift and he loves his loud truck and motorcycle coming home from work at 3AM. If he does move in himself he will be painting this house lime-green. It's his property and there is no code against it. He said he has done this before and will do it again.

### **Motion to Approve**

Commissioner Bongiovanni made a motion to approve the Special Use Permit to operate a Short term Rental as presented, for the property commonly known as 707 Kingston Blvd, Fox Lake, Illinois, Lake County, in accordance with Village of Fox Lake Zoning Code 9-1-6-10 Subsection C. By ordinance, six standards need to be satisfied. They are 1, 2, 3, 4, 5, and 6. There are no additional conditions. The motion was seconded by Commissioner Bell.

### **Discussion**

Commissioner Legge addressed Mr. Farcas saying that his humor "sucks". But his "humor" is not what we are here to assess. The audience is clearly against



this petition but we have to look at the standards of review.

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>
	Stewart	<u>  x  </u>	<u>      </u>
Chairman:	Gauger	<u>      </u>	<u>  x  </u>

Motion Passed

### 3) 6 S Pistakee Lake Rd- Special Use Permit to Operate Short-term Rental

**Open:** 8:05PM

**Closed:** 8:29PM

**Donna Baron** was sworn in.

Ms. Baron will be living at this property 60% of the time. The rest of the time, she will be living in Johnsbury (8 minutes away). She also has someone in Elgin as a backup if she is not available to address problems at this property. She will be using BRBO and AirB&B and will be strict with guidelines; no parties, 3 day minimum, no under-aged renters. She will install cameras in front and back of the house. She closed on this property in May and she has been living in it since the end of May. She has met a few neighbors.

Chairman Gauger suggested that Ms. Baron needs to flesh-out her house rules and asked how she plans to keep friends of her renters from parking at Docker's or on the street. Ms. Baron will state parking instructions in her house rules. This is Ms. Baron's first short-term rental. Commissioner Legge suggested that Ms. Baron might speak with other successful STR owners in the area.

#### **Audience Comments**

**Bruce Uebel** was sworn in.

Mr. Uebel is a next door neighbor. Sleep is precious and the noise, drugs, and cars in the neighborhood are getting out of control.

**Steve Huddleston** was sworn in.



Mr. Huddleston lives on south Pistakee Lake Road. There are already 4 STR's on this street. Along with the increased density of STR's there is an increase in noise, littering, and speeding cars. There are five children on the block between the ages of 3 and 5 years old.

**Juan Lopez** was sworn in.

Mr. Lopez expressed concern about the number of STR's in the area. Also, mentioned that some STR's are having to reduce their prices because of the abundance of STR's in the area and this will bring in more problem renters.

**Jeff Wennerstrom** was sworn in.

Mr. Wennerstrom lives at 11 S Pistakee Lake Road. This is an older neighborhood and he is concerned about strangers in the area.

**Steve Ptaszek** was sworn in.

Mr. Ptaszek lives at 10 S Pistakee Lake Road. He doesn't know much about STR's. He enjoys his home on the lake and shares a lot of the concerns already voiced this evening. He is concerned about people "slipping through" the vetting process. Commissioner Legge asked if Mr. Ptaszek has had any problems with other STR's in the area. He has noticed increased activity in the water on occasion but no problems.

**Donna Baron** returned:

She will share contact information with neighbors. Staff stated that this property has passed inspection. There is a fence that is shared with Dockers. The parking area fits 6 cars.

**Motion to Approve:** A motion was made by Commissioner Bell to approve the Special Use Permit to operate a Short-term Rental, as presented, for the property commonly known as 6 S. Pistakee Lake Road, Fox Lake, Illinois, Lake County, in accordance with Village of Fox Lake Zoning Code 9-1-6-10 Subsection C. By ordinance, 6 standards need to be satisfied. They are 1, 2, 3, 4, 5, and 6.

**Additional conditions:**

- 1) Adjust and complete "house rules".
- 2) Diagram private property "no parking" area next door.

**Roll Call Vote**

**Yea**

**Nay**



Commissioner:	Bongiovanni	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Legge	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Swanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Nakanishi	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Bell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Stewart	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman:	Gauger	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion Passed

### 3) Discussion

- a. **Informal Review for 154 Market-rate, Multi-Family Apartment Development. +/-9.5 acres of vacant land; part of the Fox Lake Crossing, Big Hollow Rd, and Route 12.**

Due to personal reasons, this hearing has been postponed until the next meeting scheduled for July 10, 2024.

### 4) Public Comment

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

**Donna Plonczynski** presented a petition signed by 50 residents to be entered into the minutes of this meeting (Attachment A). 1% of the whole of Fox Lake is expected to be Short-term Rental property. Not all of that 1% should be in one area. There is a potential of 4 more coming soon.

An audience member asked whose responsibility it is to notify the neighbors of contact information. Commissioner advised that it is the owners responsibility to supply that information to the adjoining property owners.

### 5) Adjournment

Motion to adjourn was made by Commissioner Nakanishi and seconded by Commissioner Legge.

### Affirmative Vote

All in favor - Adjourned at 8:35 PM

Respectfully submitted,





*Patricia Russell*

Patricia A Russell, Deputy Clerk

## PETITION

We the undersigned request due consideration of a revision to the short-term rental (STR) ordinance. Specifically, we would like the commission to consider 'STR zones' – as used in other communities - which apply the village-wide ordinance percentages of STRs allowed overall to apply to each area in order to protect the character of a neighborhood as well as the welfare, safety, and health of the residents.

**Whereas**, the welfare and character of a neighborhood is often dependent on relationships (which in the case of Pistakee Highlands – as in other areas) - includes a large number of families who have purchased homes in the same vicinity as a brother, parent, or grown child;

**Whereas**, the ability of family members to allow children to walk to a family member for a visit is limited if there are a number of strangers in the area; nor is it feasible to allow children to play in their own yards with strangers immediately next door given the proximity of many of our homes;

**Whereas**, Illinois law (isp.illinois.gov) allows previous sex offenders, murderers, gun offenders and arsonists to delay registration for 3-10 days at a new abode – even if temporary;

**Whereas**, there is no reasonable way to know who has now moved into your next door who has no responsibility to one's community and may be one of hundreds of people who pass by your front or back door;

**Whereas**, the safety of our families is paramount, we are concerned about the lack of sidewalks that necessitate children (as well as mothers with strollers, toddlers, older adults, bike riders, dog-walkers, etc) to walk on a road already needing repair and which cannot reasonably tolerate heavier traffic;

**Whereas**, the National Fire Protection Association (2022) guidelines require 50 feet clearance to at least one first floor exterior door AND 150 feet access to all of the first floor exterior, which limits additional parking in some driveways;

**Whereas**, there are admissions by Airbnb – the largest of the STR agencies - that there are issues with "guests who are loud or disruptive, increasing traffic, and the commercialization of residential areas";

**Whereas**, according to the US Census Bureau (2020), the population of Fox Lake has decreased by over 400 people (1.7%) in the decade of 2010-2020 – which begs for consideration of the impact of STRs on the ability of families to purchase homes for residences in this community;

**Whereas**, a district listed as R1 zoning included homes purchased by homeowners for their stated purpose – namely, for living in a single-family community and that the neighborhood was not intended to service tourists;

Name	Address	Name	Address
Donna Plonczynski	625 Kingston	Michael Bushman	613 Kingston Blvd
Name	Address	Name	Address
Tim Plonczynski	625 Kingston	Tiffani Bushman	613 Kingston BLVD
Name	Address	Name	Address
Frank Bork	504 Castle Rd.	Ann Braier	701 Kingston Blvd
Name	Address	Name	Address
SANDY LINDVALL	705 KINGSTON BLVD	Paul Schuy	715 KINGSTON BLVD
Name	Address	Name	Address
FRANK PAMODY	705 Kingston	Russ TEBBENS	511 Livingston

PETITION FOR CONSIDERATION OF 'SHORT-TERM RENTAL ZONES'

Name Address

RICH LEHNER 507 CASTLE RD

Name Address

Brian Noeller 1019 Hooks

Name Address

Karla Bankert 1015 Hooks Ln

Name Address

Anthony Bankert 1015 Hooks Ln

Name Address

Becky Kink 5117 Veen St.

Name Address

Joe Kulak 5117 Veen St.

Name Address

Kelley Bankert 1008 Hooks Ln

Name Address

Kay Bankert 1008 Hooks Ln

Name Address

Scott Henige 1005 Hooks Ln

Name Address

Dea Merrill 518 Kingston Blvd.

Name Address

Hoggie Abela 1003 Hooks Ln

Name Address

JEAN PETROW ROSINSKI 1017 Hooks Ln

Name Address

JEFF ROSINSKI 1017 Hooks Ln

Name Address

John Taba 502 Castle Rd. Military IL

Name Address

John N. Taba

Name Address

Lester Taba 502 Castle Rd.

Name Address

Scott Fanning 422 CASTLE RD

Name Address

Lenore Zanello 420 Castle Rd.

Name Address

Laurie Berg 1010 Fortress  
921 Fortress

Name Address

MARY ANN McCaffrey

Name Address

Daniel Tyskind 906 fortress

Name Address

Doreen Cohn 901 Fortress Dr.

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Name Address

# PETITION FOR CONSIDERATION OF 'SHORT-TERM RENTAL ZONES'

## PETITION

We the undersigned request due consideration of a revision to the short-term rental (STR) ordinance. Specifically, we would like the commission to consider 'STR zones' – as used in other communities – which apply the village-wide ordinance percentages of STRs' allowed overall to apply to each area in order to protect the character of a neighborhood as well as the welfare, safety, and health of the residents.

**Whereas**, the welfare and character of a neighborhood is often dependent on relationships (which in the case of Pistakee Highlands – as in other areas) - includes a large number of families who have purchased homes in the same vicinity as a brother, parent, or grown child;

**Whereas**, the ability of family members to allow children to walk to a family member for a visit is limited if there are a number of strangers in the area; nor is it feasible to allow children to play in their own yards with strangers immediately next door given the proximity of many of our homes;

**Whereas**, Illinois law (isp.illinois.gov) allows previous sex offenders, murderers, gun offenders and arsonists to delay registration for 3-10 days at a new abode – even if temporary;

**Whereas**, there is no reasonable way to know who has now moved into your next door who has no responsibility to one's community and may be one of hundreds of people who pass by your front or back door;

**Whereas**, the safety of our families is paramount, we are concerned about the lack of sidewalks that necessitate children (as well as mothers with strollers, toddlers, older adults, bike riders, dog-walkers, etc) to walk on a road already needing repair and which cannot reasonably tolerate heavier traffic;

**Whereas**, the National Fire Protection Association (2022) guidelines require 50 feet clearance to at least one first floor exterior door AND 150 feet access to all of the first floor exterior, which limits additional parking in some driveways;

**Whereas**, there are admissions by Airbnb – the largest of the STR agencies - that there are issues with "guests who are loud or disruptive, increasing traffic, and the commercialization of residential areas";

**Whereas**, according to the US Census Bureau (2020), the population of Fox Lake has decreased by over 400 people (1.7%) in the decade of 2010-2020 – which begs for consideration of the impact of STRs on the ability of families to purchase homes for residences in this community;

**Whereas**, a district listed as R1 zoning included homes purchased by homeowners for their stated purpose – namely, for living in a single-family community and that the neighborhood was not intended to service tourists;

Name Address  
Liane Berthel 504 Castle Rd

Name Address  
William 509 Castle Rd

Name Address  
Ann 514 Castle Rd

Name Address  
Diane Clark 508 Castle

Name Address  
Ruth Bredius 510 Castle Rd

Name Address  
Jill Clark 509 Castle

Name Address  
Harold H. Clark 510 Castle Rd

Name Address  
Bob Hoyer 505 Castle Rd

Name Address  
Jennifer Habel 719 Kingston Blvd

Name Address  
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Sharon W. Hobbs 719 Kingston Blvd

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Michael Brien 701 Kingston Blvd

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Rita Zuploring 623 Kingston Blvd

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Michael Carlos 617 Kingston Blvd

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Carla Carlos 617 Kingston Blvd

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Billy Ward 1004 Fortress Dr

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Jim Ciesco 1009 Fortress Dr

Name Address  
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Name Address  
Nicole Barrett MCB 914 Fortress

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Darlene Fenrich 708 Kingston

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