



**PLANNING & ZONING COMMISSION MINUTES**  
**April 9<sup>th</sup>, 2025, 6:30pm**  
**66 Thillen Drive, Fox Lake, IL**  
**Also Available Virtually Through the Link Below**

**I. Call To Order** **Open:** 6:30 PM **Close:** 7:30 PM

**II. Pledge Of Allegiance**

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

A quorum was established.

Also in attendance: Patricia Russell, Jodi Luka, Jake Boxrud

**IV. Approval of March 12<sup>th</sup> 2025, Regular Meeting Minutes**

A motion was made by Commissioner Nakanishi to approve the minutes of the March 12, 2025, as submitted. This was seconded by Commissioner Stewart.

		<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>
Commissioner:	Joe Bongiovanni	___x___	_____	_____
	Stephen Legge	___x___	_____	_____
	Eric Swanson	___x___	_____	_____
	Barbara Nakanishi	___x___	_____	_____
	Jeff Bell	___x___	_____	_____
	Michelle Stewart	___x___	_____	_____
Chairman:	David Gauger	___x___	_____	_____

Motion Passed.



**V. Old Business - None**

**VI. New Business**

**1. Special Use Permit to Operate a Short-Term Rental- 17 Atwater Parkway-  
Jeffrey and Jessica Tomcsik      Open: 6:32 PM      Close: 6:50 PM**

Commissioner Stewart recused herself as she lives on Atwater Parkway. She has no financial interest in this petition but she does own a short-term rental property on Atwater Parkway. Ms. Stewart stepped away from the dais.

The petition was introduced by Jake Boxrud who is with the Building Department.

The maximum of 4 persons will be allowed by ordinance. There are 8 STR's within 1,000 feet.

Jeffrey Tomcsik was sworn in. He owns this property along with his mother and father. It neighbors the house at 15 Atwater with Mr. Tomcsik owns. Intention is for STR and also for his parents' use. He wants to off-set the costs by renting. He has had no complaints or damage from renting the 15 Atwater property and would like to move to Fox Lake permanently after his children are out of school (about 6 years from now).

Chairman Gauger asked if Mr. Tomcsik had contacted the neighbors regarding the 17 Atwater property in regard to the STR idea. He has a neighbor who is very helpful to assist if problems occur. He also stated that he prefers to rent to families.

Commissioner Bell suggested that the area has a lot of STR's; is this too many? Mr. Tomczik has a minimum 4 day stay and the rentals are spread out throughout the year. His average is 7 days. There is exterior surveillance with ring doorbells and camera with spotlights on back sling glass door. The property at 19 Atwater is used as a summer weekend place for those neighbors (it is not rented) and all of the properties are fenced.

**Audience Comments**

**Diana Viletta** was sworn in. She reside on Lakeside Lane and is also representing another Lakeside Lane property owners.

They are trying to prevent more STR's in their area. There is no longer a feeling of neighborhood, they have new neighbors every week. Also, she asked about the taxing of STR's; are they taxed as a business? Is this a neighborhood or a business district?



Jodi Luka stated that Village has modified its ordinance so that we do receive Hotel/Motel taxes from the short-term rental properties.

Jeffrey returned: Chairman Gauger acknowledged that there is a heavy concentration of STR's in this area.

**Motion to Approve:**

Commissioner Bell made a motion to recommend approval to the Village Board the Special Use application for a Short-Term Rental permit for the property known as 17 Atwater Parkway, Fox Lake in Lake County Illinois. The standards for Special Use have been satisfied in accordance with Village of Fox Lake Zoning Code 9-1-6-10, Subsection C. The items satisfied were 1, 2, 3, 4, 5, and 6.

The motion was seconded by Commissioner Swanson.

**Discussion:** none.

**Roll Call Vote**

		<b>Yea</b>	<b>Nay</b>
Commissioner:	Bongiovanni	_____	__X__
	Legge	__X__	_____
	Swanson	_____	__X__
	Nakanishi	__X__	_____
	Bell	__X__	_____
	Stewart	Recused	
Chairman:	Gauger	__X__	_____

Motion Passed

**2. Variation to Maximum Lot Coverage and Minimum Side Yard Setbacks to Construct a Home Addition- 601 Kingston Boulevard- Richard Mahoney**

**Open:** 6:51 PM

**Close:** 7:03 PM

Jake Boxrud introduced the petition: The first variance request is for maximum lot coverage (34.17%) and the second variation request is for side setbacks. They are not changing the side setbacks, the current setbacks are legal non-conforming but our ordinance states that a variance is needed if any major remodels require a variance to maintain the legal non-conforming status. The house is not perfectly aligned with the property lines so the side setbacks vary.

**Tara and Rich Mahoney** were sworn in. The house was originally a 3 bedroom home when purchased 4 years ago. At some point, it was changed to be a 2 bedroom



and the owners want to return it to 3 bedrooms. They plan to push out the attached garage and adding rooms (bedroom, bath and storage) above the garage. Lot is very small. This will not impede on the neighboring properties. Chairman Gauge noted that this would still be legal non-conforming.

Mrs. Mahoney said that the home was to be a second home (weekends and summer). They have now sold their home in Elgin to move here permanently.

### **Audience Comments**

**Kimberly Fugate** was sworn in. She supports the Mahoney's 100%.

### **Motion to Approve:**

Commissioner Nakanishi made a motion to recommend approval to the Village Board that the variations for maximum lot coverage and minimum side yard setback for new construction at the property commonly known as 601 Kingston Blvd, McHenry in Lake County Illinois. The standards for variations are in accordance with Village of Fox Lake Code 9-1-6-8, subsection C. The items satisfied are 1, 2, 3, 4, 5 and 6.

If approved the variations are:

- 1) Maximum lot coverage increased to 34.17%
- 2) Variance to side yard setback from 20' to 5.9'

The motion was seconded by Commissioner Bell.

### **Discussion:**

Commissioner Legge verified that the neighbor (Ms. Fugate) is the neighbor on the side of the property where the addition would be.

### **Roll Call Vote**

		<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:



**3. Variation to Lakefront Property and Front Yard Setbacks to Construct an Accessory Structure- 720 Fossil Drive- Kelli McCue**

**Open:** 7:03 PM

**Close:** 7:11 PM

Jake Boxrud introduced the petition: The first variation is for front yard setback and the second variation is for a lake-front property setback. Our ordinance states a setback of 30' from the water, this property is surrounded by water and the existing home is within that 30'.

**Kelli McCue** was sworn in. All sides of her property are against the water and closer than 30' from the water. She wants to put up a storage shed behind her garage. The shed will not be higher than her garage.

Chairman Gauger asked about possible flooding. The shed will be on pillars and will be made from water-proof materials. The pillars will keep the shed 1 foot above ground level and water will be able to flow underneath. Engineers and Tuff Shed are ready to go.

**Audience Comments:** none

**Motion to Approve:**

Commissioner Stewart made a motion to recommend approval to the Village Board for variations for the Lakefront Property Setback and Front Yard Setback for a new accessory structure at the property commonly known as 720 Fossil Drive, Ingleside in Lake County Illinois. The standards are in accordance with Village of Fox Lake code 9-1-6-8, subsection C. The items satisfied are 1, 2, 3, 4, 5 and 6.

If approved, the variations are:

- 1) Lakefront setback decreased for 30' to 5'
- 2) Front yard setback decreased from 25' to 9.5'

The motion was seconded by commissioner Nakanishi.

**Discussion:** None.

**Roll Call Vote**

		<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>



Chairman:	Bell	<u>  X  </u>	<u>          </u>
	Stewart	<u>  X  </u>	<u>          </u>
	Gauger	<u>  X  </u>	<u>          </u>

Motion Passed:

**4. Sign Variation- 95 E Grand Avenue (Mobil Gas)- Ebrahim Karim**

**Open:** 7:12 PM

**Close:** 7:16 PM

Jake Boxrud presented the petition: This property is on the eastern most end of the downtown district. The ordinance prohibits LED lights in this area. The petitioner wants to replace one light and install another.

**Karim Ebrhim** was sworn in.

The franchise for the sandwich shop area had expired and Mr. Ebrhim wants to change his sign to reflect a change of name. This will be back-lit and nothing else will change.

**Audience Comments:** none

**Motion to Approve:**

Commissioner Nakanishi made a motion to recommend approval to the Village Board for upgrading the legal nonconforming sign at the property commonly known as 95 E Grand Avenue, Fox Lake in Lake County, Illinois, in accordance with the standards in Village of Fox Lake Sign Code 10-1-8B.

The motion was seconded by Commissioner Swanson.

**Discussion:** none

**Roll Call Vote**

		<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:



## **VII. Discussion**

Jodi Luka reminded the Commissioners about the combined Village Board and Planning and Zoning Meeting on April 21<sup>st</sup> beginning at 6:00 PM at Lake Front Park. This regards the Comprehensive Plan. This meeting will be to present the plans for the future. This will be a great tool to show those who are interested in investing in our town. It will show the vision that our village supports coming into town and also supports the developers and their investments.

There was discussion about several properties in town and what progress is being made:

Route 134 and 12 (west side): should be breaking ground Mid-June or July

Route 134 and 12 (east side/north): nothing planned as there is no access from Route 12.

Route 134 and 12 (east side/south): same owner as the Honda property. The property is zoned Estate 1. Being very careful about what is going in there as it is a prime spot.

Honda: Breaking ground April 17<sup>th</sup> at 11:00 AM

String lights are being put up on Grand Avenue and should be completed by the end of this week. Everyone found these lights charming and appropriate.

Commissioner Bell mentioned that the Lakefront Park was really busy last weekend. He was surprised how busy the park was even though there was no organized event or special occasion. It seems that the park is packed every time the temperature goes above 40 degrees.

Chairman Gauger said that after 19 years and 10 months, this will be his final Planning and Zoning meeting as Chairman. He is to be sworn in as a Village Trustee and will be participating in the Village Board meetings. He thanks everyone for a job well done and accepted the accolades from the Commissioners regarding the fantastic job he has done as Chairman. You will be missed.

## **VIII. 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.*

None.

## **IX. Adjournment**

Motion to adjourn was made by Chairman Gauger and seconded by Commissioner Bell.



**Affirmative Vote**

All in favor - Adjourned at 7:30 PM

Respectfully Submitted,

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

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Patricia Russell