

**Planning & Zoning Commission  
Public Hearing for a Special use  
Permit to Operate a Short-Term  
Rental at 167 Waltonian Terrace  
September 12<sup>th</sup>, 2018**

**I. CALL TO ORDER**

Chairman David Gauger called the Planning & Zoning Commission Meeting for the Village of Fox Lake to order at 8:18pm.

**II. ROLL CALL**

Present

Commissioner David Schultz

Commissioner Stephanie Vermillion

Commissioner Tim Foster

Commissioner Debra Vander Weit

Commissioner Peter Fenneman

Chairman David Gauger

Staff Present

Community Development Director Donavon Day

Absent

Commissioner Niki Warden

**III. PUBLIC HEARING**

**The Petitioners James and Rosemarie Nilson d/b/a Fox lake's great Escape LLC are seeking approval for a Special Use Permit to operate a short-term rental at property commonly known as 167 Waltonian Terrace.**

The Village of Fox Lake adopted regulations for short-term rentals in October of 2015.

- Mr. & Mrs. Nilson have operated a short-term rental at 167 Waltonian Terrace for approximately three (3) years, before the short-term rental ordinance was in place. They were not aware even when the ordinance was adopted.
- Mr. & Mrs. Nilson live in the main house on the property. The adjacent cottage on the property is used as the short-term rental.
- Community Development Department has not received any complaints regarding the subject property in that time.
- Ample parking for guests and no parking on the street is needed.
- Proof of insurance & copy of the lease/contract was received.
- Pier access and pet friendly.

**IV. COMMISSION QUESTIONS**

None

**V. COMMISSION COMMENTS**

Commission Board commented on the impressive reviews received from past guests who have stayed at the cottage.

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**VI. PUBLIC COMMENTS**

Resident and neighbor Nita Dean, stated her concern of legal non-conforming, parking issues and property dispute and requested a delay in decision.

Community Development Director, Donovan Day clarified that there is not a legal non-conforming issue and building inspection was passed. The adjudication judge regarding the property dispute decided it was a civil issue and the Village would no longer be involved in that case. If there was a selling of the principal structure and not the cottage structure there would have to be accommodations made for parking. There would also have to be a transfer of special use for the cottage.

Resident and neighbor Brian Marr referred to Mr. & Mrs. Nilson as wonderful neighbors. Mr. Marr also mentioned he had no idea that they were operating a short-term rental.

**VII. MOTION**

Commissioner Fenneman made a motion to approve Fox Lakes Great Escape LLC request of consideration for a special use permit to operate a short-term rental at 167 Waltonian Terrace in accordance with all requirements of zoning code 9-1-2 with one (1) condition:

- One (1) year approval and reviewed at that time.

Commissioner Vander Weit seconded the motion.

Ayes: Commissioner Schultz, Commissioner Vermillion, Commissioner Foster, Commissioner Vander Weit, Commissioner Fenneman, Chairman Gauger

Nays: None

Abstain: Commissioner Warden

**VIII. ADJOURNMENT**

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

Respectfully submitted by,

  
Brigitte Weber

Administrative Assistant