



## **PLANNING & ZONING COMMISSION MEETING MINUTES**

66 Thillen Drive, Fox Lake, IL 60020

**December 12<sup>th</sup>, 2018 6:30pm**

### **Public Hearing for the Petition of the Village of Fox Lake to amend Section 9-1-5-1C of the Zoning Ordinance regarding legal non-conforming structures**

#### **I. Call to Order**

**Chairman Gauger called to order the Public Hearing for the Petition of the Village of Fox Lake to amend Section 9-1-5-1-C of the Zoning Ordinance regarding legal non-conforming structures at 7:13pm.**

#### **II. Roll Call**

##### **Present**

Commissioner David Schultz

Commissioner Stephanie Vermillion

Commissioner Niki Warden

Commissioner Debra Vander Weit

Commissioner Peter Fenneman

Chairman David Gauger

##### **Staff Present**

Community Development Director Donovan Day

##### **Absent**

Commissioner Tim Foster

#### **III. Hearing**

**The Village of Fox Lake is seeking Planning and Zoning Commission consideration to remove certain portions of Section 9-1-5-1-C from the Village of Fox Lake Zoning Ordinance.**

Director Day informed the Commission that Community Development has received several requests by homeowners seeking to construct additions on their homes which are positioned on lots that are considered legal non-conforming due to the size of the lot. The lots were designated legal non-conforming when updates to the Fox Lake Zoning Ordinance increased required lot widths, setbacks, and/or minimum lot size thereby creating a legal non-conforming status for them. The portions of Section 9-1-5-1-C, requesting to be removed, essentially negate any opportunity for a homeowner to increase the square footage of their home if it is deemed legal non-conforming. The Village Attorney stated this was adopted in an effort to remove legal non-

conforming structures within the village. However, variances have been granted to properties that are considered legal non-conforming, and there is no evidence to support the assumption that an ordinance such as this would abate legal non-conforming structures within the village. In fact, it only hinders a homeowner's ability to improve their properties, and in return, does not increase the Village's equalized assessed value. Removing the requested sections and amending Section 9-1-5-1-C of the Village of Fox Lake Zoning Ordinance would permit a homeowner to increase the bulk and size of their home, but maintain the appropriate regulations to hinder a commercial or residential use such as multi-family dwellings from increasing their legal non-conforming use.

**IV. Commission Comments**

Commissioner Schultz suggested decisions continue to be done by a "case-by-case" basis. All were in agreement.

**V. Commission Questions**

There are none.

**VI. Public Comment**

Resident Brian Marr suggested further review and change of the Village of Fox Lake Zoning Ordinance to encourage homeowners to improve and invest in their property which would benefit the Village as well. All were in agreement.

**VII. Motion**

*Commissioner Warden made a motion to approve the petition of the Village of Fox Lake to amend Section 9-1-5-1-C of the Zoning Ordinance regarding legal non-conforming structures according to the Exhibit A review, Seconded by Commissioner Vermillion.*

Discussion: None

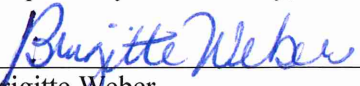
*Roll Call Vote:*

<i>Commissioner Schultz</i>	<i>Aye</i>
<i>Commissioner Vermillion</i>	<i>Aye</i>
<i>Commissioner Warden</i>	<i>Aye</i>
<i>Commissioner Foster</i>	<i>Absent</i>
<i>Commissioner Vander Weit</i>	<i>Aye</i>
<i>Commissioner Fenneman</i>	<i>Aye</i>
<i>Chairman Gauger</i>	<i>Aye</i>

**VIII. Adjournment**

Chairman Gauger closed the hearing at 7:20pm.

Respectfully submitted by,

  
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Brigitte Weber  
Deputy Clerk