

**MINUTES OF THE VILLAGE OF JOHNSBURG
JANUARY 10, 2024 MEETING OF THE
SPECIAL ZONING COMMISSION**

CALL TO ORDER – Chairman Larsen called the meeting to order at 8:21 p.m.

Commission Members Present

Curt Larsen
Tom Benck - absent
Scott Dixon
Ken Calhoun
Roger Block
Jim Barrett

Village Administrator Claudett Sofiakis
Assistant Administrator Vinny Lamontagna
Village Attorney Michael Smoron

Chairman Larsen confirmed that all notice requirements were met and read the notice into the record. He explained the Commission has been asked to consider amendments to Section 6, Non-Conforming Buildings and Uses, adding Section 6.10 Burden of Proof; to amend Section 20, Violations: Penalty; and to amend Section 7.1 Accessory Buildings and Structures adding Section 7.1—11, Limited Personal Storage of the Johnsburg Zoning Ordinance. Attorney Smoron explained, in the case of nonconforming uses, Illinois law provides that the burden of proof lies with the property owner who maintains that they have a nonconforming use which was legally acquired. He added that the currently established minimum fine of \$25 has shown not to be a deterrent to violators of the ordinance and discussed previous cases that resulted in significant fines which could have been avoided if the Village's fine schedule were more of a deterrent. He then explained that the amendments related to limiting personal storage is similar to language currently in the Village's Municipal Code and is being proposed in the Zoning Ordinance as an additional reference however the proposed text includes snowmobiles. Chairman Calhoun asked for clarification on how snowmobiles and trailer are counted. It was clarified that a trailer with four snowmobiles would count as one of the four items allowed, however if the storage was for four snowmobiles stored on four separate trailers, each snowmobile/trailer would be counted as a separate unit.

Chairman Larson pointed out that the Village prohibited temporary storage structures several years ago because they were oftentimes not maintained and unsightly. In lieu thereof, the ordinance regulating accessory structures was amended to increase the size of an accessory structure to 400 square feet to provide for adequate space to contain personal items. Commission Member Calhoun recommended that non-highway vehicles be added to the proposed text.

PUBLIC INPUT

Laura King of 2718 Tichfield Terrace attended to express concern regarding the proposed text amendments and the impact she believes it could have on a dispute between the Village and the Pistakee Yacht Club. She opined that the text amendments are intended to position the Village to win the judgment if the judge finds in favor of the Yacht Club. She stated that the proposed language limiting the storage of personal items to those owned by the owner of the property would prevent the Yacht Club members from storing their personal boats on the property. She explained that the Sailing School, which also operates out of the Yacht Club's facility, is trying to advocate for the sport of sailing and therefore it is essential that the members of the Yacht Club be able to store their personal boats on the property. She opined that the proposed increased fine is in retaliation to the members who refused to move their personal boats and the burden of proof language being proposed will create an impossibility for the Yacht Club to prevail in their suit against the Village. Ms. King stated that they are waiting for the judge to make a determination regarding a variance granted in 1970. She questioned how the Yacht Club will be able to prove that every neighbor was properly notified of the variance sought back in the 70's and stated that if it is shown that the variance was not obtained legally the Village will abolish the ability for members to store their boats on the property. Ms. King stated that it is a strategic move

by the Village to shut down the Yacht Club for reasons she does not understand and added that her husband quit his job with the Village because of the situation.

Tom Kartheiser of 2885 Bay Meadow Lane, McHenry, Illinois stated that he is not a resident of the Village but a member of the Pistakee Yacht Club. He added that the Yacht Club has been experiencing a decrease in membership for years and the facilities require a lot of maintenance. He discussed the positive impact the Sailing School has had on his children and on the community and expressed his agreement with statements made by Ms. King. Mr. Kartheiser stated that the Village received an anonymous complaint that the Sailing School was parking private boats on its back lot. He discussed the legal proceedings to date and opined that the Village is being heavy handed and is trying to shut down the Yacht Club. He stated that the Yacht Club has worked in good faith to propose options to address concerns of residents. He questioned if the community wants a sailing school and yacht club and if so, how do they operate without storage for boats.

Kirk Donald stated that his property backs up to Rocky Beach Road and he has never found the property to be unsightly. He added that he is a member of the McHenry County Historical Society and does not wish to see anything compromise the Yacht Club.

Commission Member Loud questioned if the Club stores boat for non- members. Mr. Kartheiser explained that the Club has equity and social members, both of which are allowed to store their personal boats on the property. Members are charged a fee to do so and there are approximately 45 boats stored on the property. Commission Member Bennett questioned if all of the boats stored on the property are sail boats. Mr. Kartheiser stated that there are eight power boats stored on the property by members who rent a slip at the Yacht Club. Ms. King further discussed the different types of sail boats also stored on the property.

Mr. Kartheiser stated that members have quit the Club when the issues were raised because they were not going to be able to store their boats on the property. Ms. King stated that the Village has tried to purchase the Yacht Club several times and questioned if this was an attempt for the Village to get their hands on the property.

Commission Member Barrett stated that this is the first he's heard of the Yacht Club matter and expressed that he does not appreciate the aggressive tone being directed at the commission members. Additional commission members concurred and stated that they too are not involved nor aware of the litigation between the Yacht Club and the Village.

Mr. Donald recommended obtaining the records from the County for input prior to making a decision.

With no further comments, the public hearing closed at 9:11 p.m.

Commission Members expressed a desire to obtain more information before taking action on the matter. Commission Member Calhoun moved to recess the meeting to February 14, 2024 at 7:00 p.m. Commission Member Loud seconded the motion. All Commission Members voted aye. Motion carried at 9:12 p.m.

Respectfully Submitted,

Claudett Sofiakis
Village Administrator