

## REVISED MINUTES

Minutes are revised to indicate Bill Schmidgall's vote. Revised with Jay's approval. 2013-2-13

### MINUTES OF MEETING HELD BY ZONING BOARD OF FAIRBURY IN FAIRBURY, ILLINOIS

A public meeting of the Fairbury Zoning Board of Appeals was held at the City Hall in Fairbury, Illinois at 7:00 PM on Monday, February 11, 2013 pursuant to notice published in the Blade.

Present: Chairman Richard Hart, Roger McDowell, Gerry Vance, Bill Schmidgall, Bob Wenger, Pam Savona, Jay Goold and Zoning Administrator/Secretary to Zoning Nancy Widlacki. Also in attendance was Dennis & Pam Zimmerman, Charlie Sisco, Alex Zimmerman, his wife and three others.

Chairman Hart called the meeting to order and the reason for the Application for Variance was discussed.

Application of Dennis & Pam Zimmerman requesting a variance in Use Regulations of said Zoning Ordinance to permit a body shop business in a residential district; said property being described, to-wit:

LOT 5 & E 1/2 OF LOT 6 BLK 26 MARSH ADD  
25-03-389-002

Chairman Hart called the meeting to order at 7:03 p.m. He asked the petitioners if they would like to address the board. There being no conversation, he then directed the Board members to ask their questions. Member Vance asked who was running the business. Alex Zimmerman, the son of the owners of the property, runs the body shop. Alex does not live on the property. Nor do the owners, Dennis & Pam Zimmerman. The residence is rented by a non-family member and Alex rents the garage. Dennis Zimmerman asked how SELCAS and DeWeese Photography are able to operate businesses in a residential area. The Zimmerman's invested in this property as it was a foreclosure. They removed 12 dumpsters of garbage from the property, placed a renter in the newly renovated home, moved their son's body shop into the garage, improved the neighborhood, brought a business to town, has a letter of recommendation provided by an out-of-town customer and a petition signed by several neighbors indicating their approval of the business. Nobody has complained about noise, traffic, odor, hours of operation, etc. Pam Zimmerman said Fairbury needs the growth and new businesses to move into town. Hart and other members stated they did not feel Fairbury had the potential to grow. They said Fairbury is too rural to experience growth. Hart questioned Attorney Goold whether or not the Zoning Board of Appeals has the authority to approve a variance in this situation. Mr. Goold indicated the Board did have the authority. Alex said the current location is not his ideal location and hopes to move to a more suitable place in the future.

Chairman Hart made a motion to approve the variance request to allow the body shop to operate in an R2 District.

No: Vance, Savona, Hart, McDowell, Schmidgall

Abstained: Wenger

The variance did not pass.

As was explained earlier in the meeting, all variances cease when the business closes or moves out. Mrs. Alex Zimmerman asked the Board to consider a temporary variance, maybe 6 to 12 months, so that they would be able to find another suitable location. The Board would not consider that option.

Alex said Fairbury was his first choice to open his business. Dennis asked again about what will happen with the SELCAS building since it is a business situated in an R2 District. It is not a home; nobody lives there; if the buyer wants to open a business they will also have to file for a variance. Since the Board declined their request, he could only surmise the Board would decline all other requests. Doesn't this diminish the value of the SELCAS property? Member Vance said we weren't there to discuss SELCAS.

Dennis said he was very disappointed in Fairbury.

There being no further or other business to come before the meeting, the meeting adjourned at 8:00 p.m.

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Nancy L. Widlacki, Zoning Administrator and  
Secretary to the Zoning Board of Appeals