

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 immediately following the first scheduled meeting at 6:10 pm on Monday, October 22, 2018, pursuant to a notice published in the Daily Leader.

Present: Chairman Gerry Vance, Members John Gavin, Sam Pica, Seth Welch, Tom Bull, and Jim Tipton, Zoning Administrator Nancy Widlacki and City Superintendent Brett Ashburn. Applicant Zaira Guzman/Moreno, Alvaro Garcia, Ignacio Sanchez, Lori Guzman, and Louisa Najera were also in attendance. Attorney Paul Mason arrived at 6:45 p.m.

Chairman Vance called the meeting to order at 6:35 p.m. and directed ZA Widlacki to read the reason for the Application.

Application of Zaira Guzman/Moreno, requesting a variance in non-conforming uses, of said Zoning Ordinance to permit an addition on a non-conforming structure; said property being described, to-wit:

25-25-02-377-004  
LOT 50 x 150

Chairman Vance asked Zoning Administrator Widlacki to explain in more detail the reason for the variance. The ZA explained the applicant added an addition to a single-wide mobile home which is a non-conforming structure. Non-conforming structures are not to be enlarged, expanded or extended. The ZA stated the building permit application was for 15'x8' deck but became a room addition the same size as the single-wide home. Member Bull asked who made the application. Alvaro said he did. Alvaro also said he came to City Hall and asked a couple questions but that he should have asked more questions. He said he started to build the deck but then kept building because they needed the room for the kids. He said he's new to Fairbury. The ZA said when Alvaro first came to City Hall, he asked if he could move the old single-wide home out and bring in a new one. After doing some research in the Code Book, the ZA said no, that wouldn't be allowed. He asked if he could paint it and add a deck. Yes, he could do that. Member Tipton asked if there had been any discussion between the request for a deck and an addition. Member Tipton asked Alvaro if a contractor built the addition. Alvaro said he built it. Alvaro said he didn't know he couldn't build the addition. He said he should have asked more questions. As he was building the deck, he was covering the kids' toys that were outside and it became more than what his permit was for. Member Welch asked if the issue is that the addition is too big or is it the description. The ZA said the issue is the addition is prolonging the life of a non-conforming structure. Member Welch then asked if a deck would prolong the life of the non-conformity. The ZA said a deck would not prolong the life. Welch then asked if deck was defined in the Zoning Code Book's definitions. After double-checking, ZA Widlacki said there isn't a definition. Widlacki explained the language barrier and questioned whether "deck" translated meaning the same thing. Alvaro went back to Mexico and Widlacki was working with Zaira who doesn't speak English. Member Gavin asked Alvaro what he does with the space. Alvaro said they put the kids' toys in there as winter is coming. He said as he was building the deck, he took advantage of the concrete slab that the deck was

being built on and just kept building. He said he realizes now he should have come back to City Hall and asked more questions. Member Bull asked if there is an entrance; yes, there is an entrance. Member Welch asked what a sunroom would be classified as on a permit application. The ZA said it would be an addition. Member Tipton asked if the permit fee would be different for an addition than a deck. The ZA explained the permitting fees. Member Tipton asked what kind of foundation the addition is on. Alvaro said slab concrete. Tipton asked if there is heat ducts in the addition and Alvaro said that's the next step but he stopped building until the Zoning Board of Appeals had this hearing and made a ruling. Alvaro added that he needs to put siding on it and fix it up for the winter but he didn't want to put more money into it until after the hearing. Member Bull asked if Alvaro was unaware of the process and Alvaro explained he was unaware. He said he definitely should have asked more questions and that this will never happen again. Member Welch asked if Alvaro could re-apply and the ZA said a variance would still need to be granted because of the language in the code book. Chairman Vance said the code book clearly states that any trailer is supposed to be in a trailer court. A good amount of dialogue between Chairman Vance, member Welch and ZA Widlacki ensued about non-conforming structures such as trailer homes and what can and cannot be done to them. Chairman Vance stated his opinion is that if this variance application came before the Board prior to building the addition, he is confident it would not have been approved. The intent of the Zoning Code is to eliminate non-conforming structures. Chairman Vance stated in his opinion, a deck should not have been allowed but it was permitted and then it turned into an addition. Member Gavin asked Alvaro if he planned on painting the structure. Alvaro plans to install siding if the variance is approved. He also plans to side the garage. Chairman Vance said Alvaro applied for the permit for a deck but he built an addition. Vance asked if Alvaro understood that and Alvaro said yes and that this would not happen again. Vance said an interpreter was not needed for this. Through an interpreter, Zaira said she knows the board members are questioning what Alvaro did was wrong. She has 2 kids and now there's a space where they can play, room to store clothing and now we're going to have really bad weather. Every time she goes out (I could not make out Zaira's words on the tape because she started speaking over her interpreter) that was the idea to put the washer and dryer in there. The weather's bad. It's better if that space stays but she understands whatever the board members opinions are on that. Member Welch asked about taxing and Attorney Mason said trailers that are moveable pay a trailer use tax. Trailers that are permanently attached to the real estate are taxed as real estate. Chairman Vance asked who owns the trailer; Zaira does. City Superintendent Ashburn stated they just recently purchased it this summer. Member Bull asked what the board's options are and Chairman Vance said either allow the variance or don't and if it isn't allowed, it would be up to the applicants to remove the addition. Louisa, a member of the public in attendance, asked why a permit was issued at all if this is a non-conforming structure. Chairman Vance agreed with Louisa. City Superintendent Ashburn said he agreed with ZA Widlacki that a deck should be allowed. Member Welch said there is nothing in the code that says it's the Zoning Administrator's job to make that decision. The ZA directed Member Welch to the section of the Code Book that says the Zoning Code is to be interpreted by the Zoning Administrator. ZA Widlacki stated there are few things she sends out of City Hall that do not get passed before City Superintendent Ashburn and Ashburn was in complete agreement with Widlacki that a deck would not be prolonging the life of a non-conforming structure. Member Welch told the ZA to point out to him the section of the book that says the code is to be interpreted by the Zoning Administrator. Member Bull said each issue that comes before the board is different and it is his opinion the variance should be granted. Member Pica said he understands people make mistakes and do things wrong; it happens everyday but he doesn't believe the addition should be torn down. Member Tipton said of all the hearings thus far, this hearing is the most clear-

cut of non-conformance. While he is bothered by the situation, he does not want to say the addition has to come off. He would be willing to allow this variance but, this one only. Chairman Vance said here again, if the ZA and City Superintendent had inspected the construction site prior to beginning, this probably would not have happened. Alvaro said he started building on Friday and built all weekend. Chairman Vance said by the time the ZA discovered the addition, all she could have done was send a letter telling the property owners to remove the addition. City Superintendent Ashburn said the ZA did send the letter.

Member Welch made a motion to approve the variance as presented. Member Gavin provided the second.

Roll call was taken and all members voted affirmatively. Motion passed.

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