

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 6 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. Applicants Eric & Tiffany Ray arrived at 6:25 p.m.

Chairman Vance called the meeting to order at 6:10 p.m. and directed ZA Widlacki to read the reason for the Application.

Application of Eric & Tiffany Ray, requesting a  
variance in fence regulations of said Zoning  
Ordinance to permit a privacy fence in a front  
yard; said property being described, to-wit:

25-25-03-462-012  
LOT 50 x 150 LOT 2 BLK 9

Discussion opened with Member Gavin asking the reason behind not allowing a privacy fence in the front yard. ZA Widlacki explained what the Zoning Code Book allows for fencing in a front yard which is no taller than 4' and must be 60% open. Member Tipton asked if other variances have been granted for privacy fencing in a front yard and the answer is no. Chairman Vance asked ZA Widlacki if a drawing of the proposed fencing accompanied the building permit application; ZA said yes, there was a drawing. Member Gavin asked again why the 4' tall limitation exists for front yard fencing. Member Welch asked if a complaint was received regarding this fence; ZA said yes. Member Bull's opinion of this front yard is that it is side yard and Member Tipton agreed with Bull's statement. Chairman Vance strongly suggests ZA Widlacki and City Superintendent Ashburn inspect job sites prior to construction. ZA Widlacki stated she felt this was a classic case of misunderstanding. She and Mr. Ray were very communicative during the permitting process and yet, there was miscommunication and misunderstanding. Member Tipton asked if the Board could approve this variance with a stipulation. ZA Widlacki explained the Board's options as being approve with stipulations, approve with no stipulations, or deny the application. Member Pica stated he didn't want to see the fence come down; it looks very nice. Member Pica suggested adding a stipulation that would allow the fence to stay in place but if the Rays decided to sell their property they should be responsible for removing the fence. ZA added the applicants are joining the two lots under one permanent index number and can easily understand how the applicants were confused as to a front yard vs a side yard. Chairman Vance asked if the Rays could remove some of the fence panels. City Superintendent said no, not with the type of fence they installed. Member Gavin said he didn't have a problem with the fence. Member Bull asked if they should take a vote. The applicants arrived at 6:25 p.m. due to a minor accident on their way to the hearing. The Rays were asked if the 2 parcels have been joined under one PIN now; they are not yet. Chairman Vance asked Mr. & Mrs. Ray if they could remove some of the panels. Mrs. Ray stated it would look terrible. Mr. Ray said if it has to be changed then that will leave 25' of wasted space their family would lose out on using. He added that if he had known he wouldn't

be able to install the fence where he did, he never would have purchased the lot next door and demolished the home that was on it. Chairman Vance stated he thought Mr. Ray was informed by the ZA that privacy fences are not allowed in front yards. Mr. Ray said there was a misunderstanding between himself and Nancy. ZA Widlacki said she and Mr. Ray were obviously talking about 2 different things but thought they were understanding each other. Member Tipton said once the lots are combined, this lot becomes a side yard. Chairman Vance said no, it's still a front yard. Mr. Ray shared some photos and examples of other fences in town that mimic his situation. Mrs. Ray said their intentions were to improve their property while beautifying their block. She feels miscommunication is the reason behind the misunderstanding of what is the front and what is the side yard.

Member Bull made a motion to approve however, discussion continued between members momentarily. Member Gavin said he likes the improvements the Rays have made but he is in favor of a stipulation whereby the Rays would remove the front privacy fencing if they choose to subdivide the 2 parcels and sell. Mr. Ray said he would take the next day off work and get to the County Offices to combine the 2 parcels.

Chairman Vance asked for a motion to approve the variance with the stipulation that if the lots are subdivided, the fence must come down on the front of the lot. Member Pica made the motion, Member Bull seconded the motion.

Motion passed unanimously.

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