

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 5:30 PM on Monday, June 17, 2020, pursuant to a notice published in the Blade.

Present: Chairman Gerry Vance, Members John Gavin, Seth Welch, Tom Bull and Jim Tipton. Also present was the Zoning Administrator/Secretary to Zoning Nancy Widlacki, City Superintendent Brett Ashburn and Mayor David Slagel, and applicant John Slagel. Tom Hargis, a property owner on W. Pine Street was also in attendance.

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

This hearing will review requests from two (2) property owners on W. Pine Street who wish to reclassify their properties from R2-RESIDENTIAL to C-COMMERCIAL, namely John A. & Deborah J. Slagel of 607 W Pine Street; John A. & Deborah J. Slagel, legal description of property is THE SOUTH 100.00 FEET OF THE LOT NINE (9) OF THE SUBDIVISION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION TEN (10), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE SIX (6) EAST OF THE THIRD PRINCIPAL MERIDIAN, LIVINGSTON COUNTY, ILLINOIS; Patrick L. Hobart of 606 W Pine Street; Patrick L. Hobart of 606 W. Pine Street (rear property)

Chairman Vance asked ZA Widlacki if she obtained anything in writing from petitioner Patrick Hobart as his request was verbal. ZA Widlacki said she never received anything in writing; just a verbal request to change his classification from R2-RESIDENTIAL to C-COMMERCIAL. Member Tipton asked ZA Widlacki what exactly petitioner Hobart wanted to do. ZA Widlacki responded that petitioner Hobart was interested in changing to C-COMMERCIAL because if he ever wanted to build another structure on his rear lot, he would not have to request a variance again. Member Tipton asked if Hobart wanted to “hopscotch” around with zoning classifications on W. Pine Street. ZA Widlacki explained that petitioner Hobart came in on the tail end of the original request which was made by John A. Slagel. Petitioner Slagel made the original request to change his property to C-COMMERCIAL to avoid the variance process. His intention is to build a large storage facility on his empty lot except the Zoning Code of the City of Fairbury prohibits an accessory structure on a residential lot that is not improved with a principle residence. Chairman Vance stated Slagel’s request has nothing to do with Hobart. Petitioner Slagel added that since the Planning Commission already “penciled” in the whole area as going C-COMMERCIAL in the future, Hobart thought he would fit in that category since he built a storage garage on his rear lot. ZA Widlacki stated there is another property west of the subject properties that is planning to annex to the City of Fairbury as C-COMMERCIAL. She also stated the area is basically commercial now anyway with the Township Shed, Double M Machine and the cell tower all in the immediate area. Property owner Tom Hargis interjected that this area of his neighborhood has had a drainage problem for many years and no matter what gets built on Slagel’s lot, the drainage problem needs to be addressed. Petitioner Slagel responded that he has plans to rectify the issue. Mr. Hargis said no matter what is decided on the reclassification and no matter what gets built on this lot, if the drainage problem isn’t fixed and he gets water on his property, he will hire lawyers to sue all parties involved. He said again he doesn’t care what goes in on Slagel’s lot because he’s already surrounded by commercial properties. He said the cell tower whistles when the wind blows, Double M has trucks coming in and out of there constantly and, the people who own the old grain bins at the end of his street are in and out of their property every day of the week with all kinds of equipment.

Chairman Vance spoke to Mr. Hargis' complaint about the water issue by saying the Zoning Board of Appeals was gathered to decide if Mr. Hobart's request to go C-COMMERCIAL is warranted and not to discuss the water issue. Chairman Vance said the owner of the property with the drainage issue will have to take care of it before he can build regardless if the property is zoned R2-RESIDENTIAL or C-COMMERCIAL.

Chairman Vance asked the Zoning Board of Appeals if they were ready to act on Hobart's request. Member Bull said he is making a motion to not grant Hobart's request. Member Gavin seconded the motion. Motion passed unanimously.

Chairman Vance moved on to John Slagel's request to change his zoning classification from R2-RESIDENTIAL to C-COMMERCIAL. Slagel said his intention is to build a storage building on the vacant lot for his family's use. Slagel said he could live with a variance to put the shed on the property without a house. The only reason he was thinking commercial was because by the time he puts in a retention pond and some tile and do whatever needs to happen to dry that area up and put the building there, whoever buys it in the future will probably want it for a commercial use. Mr. Hargis said the next property owner is his concern too. He knows what John Slagel wants to do with the property and that's perfectly fine with him but the next owner after Slagel might decide to open a gas station on the lot if it's C-COMMERCIAL. He does not want that to happen. Member Tipton is very concerned about the uses that may come down the road in the years ahead if the property is reclassified as C-COMMERCIAL. Member Welch asked if the Zoning Board of Appeals could make a decision with contingencies. Member Gavin noted if the property is reclassified to C-COMMERCIAL, the city loses control of what kind of business may open there in the future.

The subject of property taxes but quickly ceased because of lack of information.

Member Tipton said he would be much more willing to consider a variance changing the USE of the property but is hesitant to change the zoning classification to C-COMMERCIAL.

Member Bull asked John Slagel if the Zoning Board of Appeals granted a variance as opposed to changing the classification, would Mr. Slagel still take care of the drainage issue. Mr. Slagel responded affirmatively.

Mayor Slagel offered that the majority of W. Pine Street will eventually be zoned C-COMMERCIAL in the next year. The property at the west end of Pine Street will be annexing into the City as C-COMMERCIAL and the Township Shed, along with Double M are already C-COMMERCIAL.

Chairman Vance asked if there was any further discussion or questions. Hearing none, he asked for a vote on the following motion:

To approve changing the parcel to C-COMMERCIAL from R2-RESIDENTIAL which includes the newly acquired property that Mr. and Mrs. Slagel recently purchased.

Motion passed 3-2.
YES-Gavin, Welch, Bull
NO-Tipton, Vance

There being no further business, the meeting adjourned at 6:08 p.m.

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