

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, May 23, 2022, pursuant to a notice published in the Daily Leader.

Present: Zoning Board Chairman Gerry Vance, Zoning Board members John Gavin, Seth Welch, Tom Bull, Eric Ray and Matt Davis. Also present were the applicants, Brian and Rebecca Miller and Zoning Administrator Nancy Widlacki.

Chairman Vance called the meeting to order at 6 PM and directed Zoning Administrator Widlacki to read aloud the reason for the hearing.

Application of Brian and Becky Miller, requesting a
variance from said Zoning Ordinance to permit an
accessory structure to be built that exceeds size
limitations; said property being described, to-wit:

25-25-09-227-016
LOT 164.64 X 125 LOTS 20 & 21 METZ ESTATES

Chairman Vance asked the Millers if they had anything to add; Brian responded he did not. Member Bull offered his comments by stating he is all for improving properties however, the structure is two times larger than what is allowed. He added he was sure that it would be a beautiful structure but he was unable to justify the size and approving the request. Chairman Vance asked ZA Widlacki what the sq ft of the principal residence is; she reported the Livingston County Assessor indicates 2,191 sq ft. The allowable sq ft for an accessory structure would be 1,315 sq ft according to the Zoning Code. The proposed structure in this case is 2,862 sq ft. Chairman Vance asked the applicants what the structure will be used for. Brian said they have a lot of family members that will use the building; they also intend on using it in conjunction with their pool. Becky stated they bought their extra lot from Tri-County Carpet which was zoned commercial but wondered if they hadn't purchased it, would Tri-County have been able to build a large tool shed right next to their house and would the city stop any of the building. ZA Widlacki explained Tri-County is commercially zoned making the tool shed a conforming structure according to the zoning code. Becky asked if they made the lot commercial, could they build the accessory structure for Miller Trim Works. Chairman Vance explained commercial is not allowed in an R1 district. Becky asked if they could remove the Metz Estates sign from their lot and ZA Widlacki referred them to the covenants and restrictions of their subdivision. The Miller's included their warranty deed in their variance packet so the ZBA was directed to read where it states, "Subject to a covenant running with the land that the Grantee and any subsequent Grantees keep and maintain the "Metz Estates Sign" in its current location". Member Welch asked what the significance is between R1 and other district designations. Chairman Vance explained the differences. Chairman Vance asked Brian Miller if he could reduce the size of the structure to 1,315 sq ft; Brian said yes, but that isn't what they want. Dialogue ensued between several members and Brian Miller about the availability of the extra lot they purchased and his original intention for the accessory structure. Brian added his original intention was for a pool house. When the extra lot became available, his plans changed. ZA Widlacki said she is concerned about the accessory structure looking like a home because 2 homes on 1 lot is never allowed, especially in an R1 district, and it

would be very easy to convert the structure into a home as it already has a kitchen, bathroom and a flex room. Becky Miller asked ZA Widlacki if she wanted them to build a tool shed; ZA Widlacki said the Millers asked about adding a garage but then it turned into a structure strongly resembling a home and it is a concern. Chairman Vance asked Member Gavin if he had any comments; member Gavin responded that he is trying to justify the request but he just can't. Member Ray said the Millers should have built another home on the extra lot, put a for sale sign in the yard but never sell it. Becky said it was easy to connect the lots so it should be just as easy to disconnect them. ZA Widlacki agreed. Chairman Vance reminded the Millers they could still build an accessory structure on their lot, but it had to be considerably smaller. Brian Miller said he understood that. Member Bull suggested disconnecting the lots and building a single family on the extra lot. ZA Widlacki agreed. Member Davis noted the number one issue is the square footage. He noted the accessory structure cannot be taller than the principal structure but wondered if they could put a second story on. Becky asked what square footage would the ZBA approve; Chairman Vance explained if their plans called for anything more than 1,315 sq ft, it would require a variance and new consideration. Member Welch agreed with the Millers that it's their property and they should be able to do what they want but also agrees that the proposed building plan is excessive. He remarked that R1 is only a handful of districts including Timber Ridge. Furthermore, the Zoning Board of Appeals does not set a precedent but rather looks at each application as they come and rules accordingly. At this point, he is leaning more to the "no" side of voting for the variance. Member Bull reminded Brian and Becky they do have the option of disconnecting the two lots. Brian asked ZA Widlacki why she encouraged him to join the two lots together when the Millers approached her about building an additional garage. Widlacki explained that an accessory structure is not allowed on a residential lot without a home so Widlacki encouraged them to join the lots to avoid needing to come before the Zoning Board of Appeals with a variance application. When the plans came in to ZA Widlacki, they were for a very large home and not a garage which required the Millers to come before the Zoning Board of Appeals anyway. Brian remarked that yes, his plans changed from when the Millers and Widlacki spoke last. Member Bull asked Brian if he was allowed to build what he presented, would the structure be roomed off, like a home. Brian said no, it was going to be used as a garage to park his two work trucks. ZA Widlacki pointed out the plan is showing a bathroom, kitchen and flex room which she asked for clarification on. Widlacki said it would be very easy to turn the structure into a single-family home which would create a big issue for the City because 2 homes are never allowed on one lot. Member Bull asked if the lots were separated, could the Millers build exactly what they want on the empty lot. ZA Widlacki said yes. Becky asked if sidewalks connecting the two homes would be approved; Widlacki cited 2 properties in Timber Ridge that are connected by a walking path and thought that would be okay since both properties are owned by one party.

Chairman Vance asked for additional comments. No comments were heard so Chairman Vance announced the motion, "to allow this structure to be in excess of 60%".

Through a voice vote of each member, a unanimous NO was heard.

There was no other business to discuss so the meeting adjourned at 6:40 p.m.

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