

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

APPROVED

A public meeting of the Fairbury Zoning Board of Appeals was held at the City Hall in Fairbury, Illinois at 6 PM on Tuesday, November 21, 2023, pursuant to a notice published in the Daily Leader.

Present: Zoning Board Chairman Gerry Vance, Zoning Board members Matt Davis, Seth Welch, Leroy Rodriguez and Sam Pica. Also present were applicants Brad and Lori Maley, Zoning Administrator Brett Ashburn and Zoning Board of Appeals Secretary Jessica Wenger.

Chairman Vance called the meeting to order at 6:10 PM.

He then directed Zoning Secretary Wenger to read aloud the reason for the hearing.

Application of Brad & Lori Maley,
requesting a variance in Area Regulations
of said Zoning Ordinance
to construct an accessory building that exceeds
the 60% rule in a residential district; said
property being described, to-wit:

LOT 90 X 158(APPROX) LOT 20 NUSSBAUM 2ND S/D
25-25-02-306-017

Chairman Vance opened the hearing by offering the Maley's a chance to explain why they were seeking the variance. Brad explained that the plan is to construct a 20 X 40 building on the west side of the property. The building would have an 8-foot overhang covering a sidewalk that would run along the building. This part of the structure is what pushed them over the 60% rule. The sidewalk and the shade that the overhang would provide would be part of the pool area that Brad and Lori are planning to put in at a later date. Brad feels it will look better having this apart of the building that they are putting up now rather than have another form of shade put up in a different area.

Chairman Vance wanted to confirm that to his knowledge this 8-foot overhang is the piece that puts him over the 60% allowance.

Zoning Administrator Ashburn confirmed that the building itself fits within 60% of the principle residence square footage but the overhang is what is putting the Maleys over that 60% causing the need for the variance.

Member Davis brought up the question of unconditioned living space. Is an unconditioned living space part of the square footage? Member Davis questioned if this overhang, being an unconditioned living space, should even be a size issue. He mentioned that there is a back patio on the property that was added directly behind the house years ago. He wanted to know if that square footage would add to the principle making this overhang a nonissue.

Chairman Vance explained that it would not be considered part of the principle residence in the eyes of the County Assessors office. Garages and patios are not calculated into the

principle residence's square footage. He offered an example of turning an attached garage into a living/family room. This would still not put it towards the principle square footage even though it would be in compliance with what is considered a principle residence. He continued explaining in his opinion it is kind of a gray area. Chairman Vance explained that there have been many variance hearings because of this 60% rule, and would maybe like to look into reevaluating this rule in the future.

No other members rose any concerns or had any comments.

Member Welch made the motion to put the matter to a vote. Member Pica seconded the motion.

Chairman Vance put the matter to a vote by asking for the members if they approved the construction of the accessory building to say "I". He then asked for all opposed to say "nay".

The variance request was unanimously granted.

After the vote, Member Leroy Rodrigues arrived.

Zoning Administrator Ashburn mentioned the plans for a future meeting should be made for the zoning book to be looked over and items be reevaluated as needed. He invited the board members to look over the book and highlight anything they believe should be addressed. No date was set for the meeting, but the meeting should be held sometime next year.

No other matters were discussed and the meeting adjourned at 6:17 p.m.

Jessica L. Wenger,
Secretary to the Zoning Board of Appeals