

MINUTES OF A SPECIAL MEETING OF  
THE FISHER PLANNING & ZONING COMMISSION  
Wednesday, December 12, 2018  
6:00pm

A special meeting of the Planning and Zoning Commission of the Village of Fisher was held at 6:00pm on Wednesday, December 12, 2018 at the Fisher Community Center, 100 E. School Street, Fisher, IL. The meeting was called to order by Chairman Dornbusch at 6:03pm.

Commissioners present: Dave Dornbusch, Don Anderson, Denny McCool, and Rick Shep – 4  
Commissioners absent: Steve Hammond – 1  
Also present: Building & Zoning Administrator Jeremy Reale

Chairman Dornbusch announced that the purpose of the special meeting was to conduct a public hearing and consider the petition for a variance to the minimum setback requirements in the R1 zoning district filed by Kenneth Medler.

Mr. Medler explained that he would like to construct a 10' x 22' addition to the attached garage of his single family residence located at 105 Avery Avenue. Mr. Reale explained that Section 40-3-1 of the Fisher Code of Ordinances (Zoning Code) provided that the minimum setback in the R1 zoning district from a side lot line was 10 feet. In order to accommodate the proposed addition to the petitioner's home, the setback from the side lot line on the northern edge of the property would need to be reduced to 5 feet.

Charles Montgomery, 103 Avery Avenue, addressed the Commission as the owner of property adjacent to the petitioner. He stated that he did not have a specific objection to Mr. Medler's proposed addition, as it would be on the side of the property opposite his property. He did, however, express a general concern about the potential for a precedent to be set allowing other property owners the opportunity to reduce building setbacks throughout the neighborhood.

Chairman Dornbusch explained the purpose of setback requirements within the Zoning Code and provided an overview of the Commission's responsibilities for consideration of variances under Section 40-6-4. It was noted that the Zoning Code specified that variances should only be granted under limited circumstances in which irregularities in the size, shape or physical characteristics of a parcel of property would present an obstacle to the reasonable use of the property under the strict application of the setback requirements.

The general consensus of the majority of the Commission was that the petitioner's property did not meet the standards for granting a variance. The facts found by the Commission included the following:

- I. The property in question is a single family residential lot of standard size and shape without any special circumstances applying thereto which would deprive the petitioner of the reasonable use of the property within the requirements of Section 40-3-1, to wit:
  - i) The conditions of the property are not unique with respect to those conditions that apply generally to the properties and structures within the surrounding neighborhood. Petitioner's property is a 110' x 118.82' lot that is substantially similar in size and shape to the lots in the neighborhood, without any irregular angles or exceptional physical characteristics of the land;
  - ii) The strict application of the requirements of Section 40-3-1 has not deprived the petitioner of the reasonable use or economic benefit of the land. The property in question has been developed with a single family residence that is comparable to other residential structures within the neighborhood in terms of both size and physical situation upon the lot.
- II. The granting of a variance would not be in harmony with the general purpose and intent of the Zoning Code, to wit:
  - i) The property in question does not meet the standards for granting of a variance as specified under Section 40-6-4;
  - ii) The granting of a variance in the absence of extraordinary circumstances would establish a precedent for future variance requests that undermines the purpose and intent of the provisions of Section 40-3-1.

In consideration of the foregoing findings of fact, Commissioner McCool moved to recommend that the petition for variance be denied. Commissioner Shep seconded the motion.

The Recording Secretary called the roll:

YEAS:	Dornbusch, McCool, Shep – 3
NAYS:	Anderson – 1
ABSENT:	Hammond – 1

The motion carried by roll call vote of 3 to 1.

Mr. Reale noted that the petition for variance and recommendation of the Commission would be considered for final action at the regular meeting of the Village Board of Trustees on Thursday, December 13, 2018 at 6:00pm.

Chairman Dornbusch noted that the Commission was comprised of several new members and suggested that it would be beneficial to conduct an orientation session within the next few months. He would coordinate with Mr. Reale and the village attorney to plan a session where members could receive information about the legal responsibilities of the Planning and Zoning Commission.

There being no further business to come before the Commission, Commissioner McCool moved to adjourn the meeting. Commissioner Shep seconded the motion. Motion carried viva voce vote.

The meeting was adjourned at 6:24pm.

Respectfully submitted,

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Jeremy A. Reale  
Recording Secretary