

## Piatt County Zoning Board of Appeals

June 26, 2014

### Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, June 26, 2014, in Room 104 of the Courthouse. Chairman Loyd Wax called the meeting to order. Attending were: Alice Boylan, Jerry Edwards, John McRae, Randy Shumard, Loyd Wax, and Trish Gale. Trish announced there is a quorum.

Loyd asked if there were any additions or corrections to the April 24, 2014, minutes and there were none. Jerry Edwards moved to approve, seconded by Randy Shumard. All in favor, motion carried.

#### **New Business: David Sprinkle Special Use Permit**

Trish read David Sprinkle's request for a Special Use Permit for a home occupation (retail sales of guns and ammo) on 6 acres of AC Agriculture Conservation zoned land.

David Sprinkle was sworn in by Loyd Wax, and David proceeded to tell the board he would like to sell to friends and relatives. David has a full time job with a lot of overtime as a power lineman, and he wants to just sell by word of mouth, and he will not carry inventory but would like to order guns and do some reloading for trap shooters. David has to obtain zoning approval to get his FFL (Federal Firearms License). Randy asked if there is a federal license, and David said he applied for a sales tax number. David said he had to be fingerprinted by the Sheriff, get a background check, follow all state laws and the state charges \$2 per sale. David will be open by appointment only, and he plans on having no signs or advertising. Randy asked if any neighbors were against it, and David said there were no complaints. David will not operate a firing range in conjunction with the sales of guns and ammo.

Loyd asked if there were any objectors, and there were three.

Glenn Stanko said he represents Jon White, and they object to a firing range and they would not like to set a precedence for retail sales in residential areas.

Sandra Smith was sworn in, and she said she is an advocate for home occupations, but she questioned whether the correct parcel was chosen for the special use permit. Sandra questioned whether he wants to put the permit on the parcel with the residence or another parcel he owns. After a 10 minute recess, it was determined the parcel with the home and outbuildings is the correct parcel for which the home occupation is being requested.

The Board proceeded to discuss the zoning factors:

1. Will granting the SUP be detrimental to the safety, comfort, or general welfare of the community? All agreed the proposed use would not be detrimental.
2. Will granting the SUP not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impart property values within the neighborhood? All agreed the proposed use would not be injurious, nor would it diminish values.
3. Will granting the SUP not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoned district? All agreed granting would not impede orderly development and improvement or the neighboring properties.
4. Are there adequate utilities, access roads, drainage, and other facilities if the SUP is granted? All agreed this business has a driveway access (ingress & egress) directly from the road.
5. Are there adequate measures to provide ingress and egress to minimize traffic congestion in the public streets if the SUP is granted? All agreed the traffic will not be increased.

6. Does the SUP conform with the regulations of the zoned district? All agreed the business will not compete with the zoned uses of farming or residential activities.
7. Does the SUP in all other respects conform to the regulations of the zoned district and the zoning board must find that there is a public necessity for the special use. All agreed the request conforms, and there is a public need for such services.

Loyd asked for a motion to recommend to the County Board.

MOTION: Randy Shumard moved to recommend David Sprinkle's request for a special use permit for a home occupation to for retail sales of guns and ammo, and John McRae seconded. Trish read the roll call, and all five zoning members were in favor, motion carried.

Trish stated the County Board meeting will be held on Wednesday, July 9, 2014, at 9am, in this same location.

**Text Amendments – Article III Definitions, Article IV Administration and Article VI District Use Regulations**

Loyd stated there are some concerns about procedures, and he would like a motion to table the text amendment changes until the next zoning meeting on July 24<sup>th</sup> at 1pm.

MOTION: Jerry Edwards moved, seconded by Alice Boylan to table the text amendment changes to the July 24, 2014, 1:00pm meeting for future consideration. All in favor, motion carried.

**Comments:**

Glenn Stanko spoke on behalf of Jon White and asked to make comments about his frustration about the special use process. He continued to speak about the Smoot's home occupation for concealed carry training on 1.26 acres, concern about 15 days being enough notice for legal notice publications, Ripper's home occupation for concealed carry training on 2 acres, text amendments with minimal description were published 22 days in advance because Trish was going on vacation. Glenn suggested the amendments could not be acted on because the county board had not initiated the motion to consider the text amendments. Glenn asked for more advance notice for special use permits, at least 30 days and more informative notices which would allow for more public participation. Glenn asked to run these things by the state's attorney. People need to pull out the zoning ordinance and read it once in a while.

Loyd asked for a motion to adjourn. Randy Shumard moved to adjourn, and Alice Boylan seconded. All in favor, motion carried. The meeting was adjourned at 1:56pm.

Respectfully submitted,

Trish Gale  
Piatt County Zoning Officer