

Piatt County Zoning Board of Appeals

May 28, 2015

Minutes

The Piatt County Zoning Board of Appeals met at 7:00 p.m. on Thursday, May 28, 2015, in Room 104 of the Courthouse. Chairman Loyd Wax called the meeting to order. He started the meeting by introducing Keri Nusbaum, the new zoning officer. Then the roll was read. Attending were: Loyd Wax, Jerry Edwards, Bruce Stoddard and Keri Nusbaum. States Attorney Dana Rhoades, John McRae, Alice Boylan, and Dan Larson were absent. Keri announced there is a quorum. County Board members in attendance were: Randy Keith, Mike Wileaver, Al Manint, Randy Shumard, and Ray Spencer.

MOTION: Jerry Edwards moved to approve the April 23, 2015 minutes as written, seconded by Stoddard. All in favor, motion carried.

Old Business: Top Flight Special Use Permit:

Keri read the SUP request dated March 31, 2015, from Topflight Grain Cooperative, Inc. who applied for a Special Use Permit to construct a grain elevator and grain storage facilities with variation exemptions to yard and height regulations on 25 acres of A-1 Agriculture land.

Scott Docherty was sworn in by Loyd Wax. Scott is the general manager of Topflight Grain Cooperative Inc. which would like to construct additional grain storage facilities on this parcel.

The Board discussed the zoning factors:

1. The existing uses and zoning of nearby property.
The ZBA unanimously agreed the property is currently being used for this purpose, and this is just an expansion of the current operation
2. The extent to which property values are diminished by the zoning restrictions imposed.
The ZBA unanimously agreed property values would NOT be diminished.
3. The extent to which the reduction of property values of Applicant or other landowners promotes the health, safety, morals or general welfare of the public.
The ZBA unanimously agreed the property values would not be diminished...
4. The relative gain to the public as compared to the hardship imposed upon the Applicant and/or adjoining landowners.
The ZBA unanimously agreed there is no hardship imposed to the public, and there is a considerable relative gain to the public.
5. The suitability of the Applicant's property for the zoned purpose.
The ZBA unanimously agreed this is an expansion of the existing use.
6. The length of time the Applicant's property has been vacant as presently zoned.
N/A
7. Will granting the SUP be detrimental to the safety, comfort, or general welfare of the community?
The ZBA unanimously agreed granting the SUP would NOT be detrimental to the safety, comfort, or general welfare of the community.
8. 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 impair property values within the neighborhood?
The ZBA unanimously agreed will not be injurious to others or impair property values.

9. Will granting the SUP not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoned district?
The ZBA unanimously agreed granting the SUP will NOT impede development and might improve the surrounding properties.
10. Are there adequate utilities, access roads, drainage, and other facilities if the SUP is granted?
The ZBA unanimously agreed there are adequate utilities, roads, etc.
11. Are there adequate measures to provide ingress and egress to minimize traffic congestion in the public streets if the SUP is granted?
The ZBA unanimously agreed there will be minimal traffic, and parking will not be a problem.
12. Does the SUP conform to the regulations of the zoned district?
The ZBA unanimously agreed this fits into the zoned district.
13. 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.
The ZBA unanimously agreed there is a need for additional grain storage.
14. Does the SUP not compete with the Piatt County Comprehensive Plan, and is it in harmony with the goals of the Piatt County Comprehensive Plan?
The ZBA unanimously agreed the SUP will not compete with the Comprehensive Plan and is in harmony with the goals. There has been no evidence it is in conflict.

MOTION: Jerry Edwards moved, seconded by Bruce Stoddard to recommend to the County Board the approval of Topflight' s request for an SUP on 25 acres of A-1 Agriculture. Keri read the roll call, and all were in favor.

Loyd announced this will go to the County Board on Wednesday, June 10, 2015, at 9:00am

Comments:

Loyd asked if there were any public comments. Sandy Smith made comments regarding the March 26, 2015 minutes. She wondered if board members should have recused themselves, because as farmers they would have a financial stake in the elevators operation. She asked why they would agree sunlight would be blocked, and still vote to pass the SUP at that meeting. Jerry informed her that he was not, in fact, a farmer. Bruce Stoddard said it was not a problem as she said, but a "livelihood". He pointed out that it was a recommendation only to the county board. He stated it was more of a legal question, not one for the zoning board.

MOTION: Bruce Stoddard moved, seconded by Jerry Edwards to adjourn. The vote was unanimous. The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer