

Piatt County Zoning Board of Appeals

December 17, 2015

Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, December 17, 2015, in Room 104 of the Courthouse. Chairman Loyd Wax called the meeting to order. The roll was read. Attending were: Loyd Wax, Jerry Edwards, Dan Larson, Dana Rhoades and Keri Nusbaum. Alice Boylan and John McRae were absent. Keri announced there is a quorum. County Board members in attendance were: Randy Keith, Al Manint, Randy Shumard, Renee Freundt and Ray Spencer.

MOTION: Jerry Edwards moved to approve the November 19, 2015 minutes as written, seconded by Dan Larson. All in favor, motion carried.

New Business: Variance- Alexander

Keri read the variance request dated December 1, 2015 from C. Daniel Alexander who applied for a variation to allow the sale of 3.486 acres of A-1 land, with an existing pole barn for a proposed single family dwelling. Piatt County Zoning ordinance requires a minimum of 20 acres for a single family dwelling in A-1 zoning.

Clifford Daniel Alexander was sworn in by Mr. Wax. Mr. Alexander stated that he owns a 14 acre tract and had a buyer interested in 3 acres of it for a residence. Edwards asked about the size of the existing building, and Wax asked what other structures or plantings were included on the tract. None has been farmed for many years. Alexander asked other questions about the property. There was originally approximately 17 acres total, and 3 acres was sold in 2006-2008.

Wax brought up that the zoning ordinance does prohibit splitting an Agricultural parcel more than once. This was presumably enacted to protect farmland, and this may be a different situation since it has not been in production because it was the homestead.

Sandy Smith, a member of the audience voiced her opinions.

David Lehman was sworn in, as he wished to address some of the questions. Mr. Lehman was the surveyor who helped Mr. Alexander with dividing this parcel. He said he felt he had questioned this in 2012, and in his mind they were covered.

The Board discussed the zoning factors:

1. Will the proposed variance compete with the current use of the land?
The board agreed that the proposed variance would not compete with the current use of the land.
2. Will the proposed variance diminish property values in surrounding areas?
Edwards remarked there are houses in the area already.
The board unanimously agreed the proposed use would not diminish property values.
3. Would a denial of the variance promote the health, safety, and general welfare of the public?
The board unanimously agreed that a denial of the variance would not promote the health, safety, or general welfare of the public.
4. Would denying the variance create a hardship for the landowner?
The board agreed unanimously that it would create a hardship regarding the sale for the landowner, but would not otherwise create a hardship.
5. Would granting the variance create a hardship for the surrounding property owners?
Edwards remarked it may increase the property values.

The board agreed unanimously that granting the variance would not create a hardship for surrounding property owners.

6. Is the property suitable for its current use?

The board unanimously agreed that the property is suitable for its current use.

7. Is the property suitable for its proposed use?

The board agreed that the property is suitable for the proposed use.

8. Is there a community need to deny the variance?

The members of the board noted this area is difficult. The area already has several residences. The ground is not being farmed.

The board had mixed comments on this question, and agreed that several factors needed to be considered in regards to granting or denying the variance.

9. Is the subject property non-productive with its current use?

The board agreed that the property is not production farm ground currently.

10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?

The board agreed that the variance would not be in direct competition with the Comprehensive plan.

Wax explained to those in attendance that the zoning board of appeals will make a recommendation, and the matter will then go to the County board for a final decision.

MOTION: Dan Larson moved, seconded by Jerry Edwards to recommend approval of the variance to the County Board. Roll was called. All in favor, and the motion passed.

Comments: There were no further comments.

MOTION: Dan Larson made motion, seconded by Jerry Edwards to approve the meeting calendar for 2016 as presented. All in favor, and the motion passed.

The County Board will hear the matter on January 13, 2016 at 9 a.m.

MOTION: Edwards made motion, seconded by Larson to adjourn. All in favor. The meeting was adjourned at 1:46 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer