

Piatt County Zoning Board of Appeals

January 21, 2016

Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, January 21, 2016, in Room 104 of the Courthouse. Acting Chairman Jerry Edwards called the meeting to order at 1:05 p.m. The roll was read. Attending were: Jerry Edwards, Alice Boylan, Dave Thompson and Keri Nusbaum. Loyd Wax, John McRae and Dan Larson were absent. Keri announced there is a quorum. County Board members in attendance were: Randy Keith, Al Manint, Randy Shumard, Renee Fruendt and Ray Spencer.

MOTION: Thompson moved to approve the December 17, 2015 minutes as read, seconded by Boylan. All in favor, motion carried.

New Business: Request for Zoning Reclassification- Topflight Grain

Nusbaum read the reclassification request application dated January 4, 2016, from Scott Docherty, manager for Topflight Grain Cooperative, Inc. who applied for an amendment of zoning classification for Lots 20, 21 & 22 in Block 14 of LaPlace, currently RS Residential Suburban land to be amended to I-1 General Industrial for the purposes of constructing a steel grain bin. He is requesting a zoning classification change for this parcel to the same I-1 zoning as the parcels located west of this parcel, which are also owned by Topflight Grain Cooperative Inc. Scott Docherty of Topflight Grain was sworn in by acting chairman Jerry Edwards. He gave a short history of Topflight in LaPlace, and a synopsis of what they do and how their storage operation works. He stated there would be no increase in traffic, as right now they are shipping in and out at the same time.

Letters from LaPlace residents were presented to the Zoning Board. Gene Bain was sworn in by Jerry Edwards. He and his wife had planned to leave their property to their children. He owns and lives in the house directly north of the subject property. He has concerns about traffic, and the fact that a main road would need to be crossed by a grain leg. His other concerns are added dust and noise. He believes his property would not be able to be sold if the elevator was right next door.

Sharon Questrom was sworn in by Jerry Edwards. She lives across the street and North of the proposed property. Her husband has health issues. Her view would be of only the grain elevator. She said that traffic would be increased and is concerned about the possibility the trucks taking a new route. She said people are being pushed out of the town.

Lynne Durham was sworn in by Jerry Edwards. She lives one block north of the East end of the elevator. She has lived in LaPlace for 42 years. Her concerns are dust, health concerns, safety, and the poor condition of the roads would deteriorate. She believes property would be devalued further. She said if there were a fire or train derailment, it could be disastrous due to lack of man power and equipment.

Lee Holmes was sworn in by Jerry Edwards. He lives north of the elevator, across the street from Gene Bain. He has lived in LaPlace since 1970. He says Bain has improved his property, and deserves to keep equity. Vehicles are covered in dust daily. He says the township cannot afford to fix the roads, and the damage to the roads. He also has concerns about drainage. He said more concrete and packed ground will cause flooding to nearby property. He says the existing bins block the sun, and create problems with ice on the street. He cited young people who have purchased property in LaPlace, and said they deserve to build equity in their property. He said it's time to say enough is enough; no one would want these grain bins a block from their home; they should not be limited on what they can do with their property by a large corporation.

Edwards asked if anyone else wished to speak. Susan Crawford had signed in to speak, but said all of her points had been addressed by others.

Jim Prise was sworn in by Jerry Edwards. He has lived across from the elevator for 47 years. He asked that the board consider "what they say is not what they will do".

Scott Docherty addressed the questions posed by the speakers. He said Bement Grain bought the LaPlace facility in the 80's and production has increased from 2 million bushels to 4 million bushels since then. It is forecasted that per acre production will increase in the future. He said the volume will increase whether this request is approved or not. The conveyor across the road will be enclosed on a steel truss with a walkway. The top of the bin deck is 180'-250'. He said most of the customers use semi's so the number of loads/trucks in is less.

A question was asked about closing the road for maintenance of the conveyor leg. A school bus route goes through, and there is a bus stop. For construction, it would be closed approximately one day. Docherty says it should not have to be blocked for maintenance. Lynne Durham says the existing bins create a wind tunnel, which would be made worse by the addition of more bins. Bain asked where supplies would be stored during construction, and where would construction workers park? He is concerned they would be in his yard. Docherty said they would install construction fencing. A question was asked about two other lots they own south of the tracks, and he said right now they were just going to clean up those lots. As to the noise concern, there will be no additional grain dryers, but there would be fans. The possible grain bin would be located as far South and West as possible. Bain asked the approximate size of the possible bin, Docherty answered 105' diameter and 121' to the peak. He said the traffic pattern will not change, as the grain would be loaded and unloaded in the same area. As to the safety concerns, he said he was not aware of any accidents at that facility. They would develop a storm water drainage plan. He said it would not be easy to re locate the valuable asset that they already own.

Edwards reminded those in attendance that this hearing is for the re-zoning application only.

Edwards asked how long the facility has been in operation in LaPlace. It was owned by another company previously, and has been there since the 50's or 60's. Topflight purchased it in the mid 80's.

Lee Holmes asked if there has been a fire protection study done. Docherty says he does not have a study, but they have a good relationship with all local fire departments. He said most of the time their concern is with the dryers rather than storage. Docherty said that Topflight has an understanding with the township road commissioner that they will pay for repairs to the road for damage caused by construction. He asked if they had purchased the Seitz property next door. Docherty answered yes.

Lynne Durham brought up concerns about air and noise pollution, and Docherty offered to meet with her regarding that.

Docherty noted that Topflight pays a fair portion of the taxes in Piatt County, which helps toward roads, etc.

Edwards told the group evidence has been heard, and will be considered. He again reminded those in attendance that the Zoning board makes a recommendation only to the County Board. He explained that the board must go through zoning factors.

The Board discussed the zoning factors:

1. Will the proposed use compete with the current use of the land?
No. The ZBA unanimously agreed that the proposed use will not compete with the current use of the land.
2. Will the proposed use diminish property values in surrounding areas?
Yes. The ZBA unanimously agreed that the proposed use will diminish property values in the immediately surrounding area.
3. Would a denial of the variance promote the health, safety and general welfare of the public?
No. The ZBA unanimously agreed that because the facility already exists, denying the variance would not improve or promote the health, safety and general welfare of the public.
4. Would denying the variance create a hardship for the landowner?
No. The ZBA agreed that it would not create a hardship for the landowner.

5. Would granting the variance create a hardship for the surrounding property owners?
Yes. The ZBA unanimously agreed that granting the request would create a hardship for surrounding property owners.
 6. Is the property suitable for its current use?
Yes. The ZBA agreed the property is suitable for its current use.
 7. Is the property suitable for the proposed use?
Yes. The ZBA agreed the property is suitable for the proposed use.
 8. Is there a community need to deny the variance?
Yes. The ZBA agreed (2-1) that because the community is against the request, there is a need to deny.
 9. Is the subject property non-productive with its current use?
Yes. The ZBA agreed that the property is non-productive with its current use.
 10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?
No. The ZBA agreed that granting the request would not compete with the Piatt County Comprehensive Plan.
1. The existing uses and zoning of nearby property.
The nearby property is residential and other property (grain bins) owned by Topflight.
 2. The extent to which property values are diminished by the zoning restrictions imposed.
The zoning restrictions have not diminished property values.
 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 agreed that the nearest neighbors would be affected negatively, but the general public would not.
 4. The relative gain to the public as compared to the hardship imposed upon the Applicant and/or adjoining landowners.
The ZBA agreed that the relative gain in tax revenue and jobs is greater than the hardship to the majority of the landowners, although the closest landowners will have more of a hardship.
 5. The suitability of the Applicant's property for the zoned purpose.
Yes. The ZBA agreed that the property is suitable for the purpose.
 6. The length of time the Applicant's property has been vacant as presently zoned.
The property has been vacant for 8-12 months.

Edwards reminded 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 on February 10, 2016.

MOTION

Alice Boylan made motion, seconded by Dave Thompson to recommend to approve the Application for Re-classification. Roll was read. The motion was denied by a vote of 2-1 with Alice Boylan voting yes, and Thompson and Edwards voting no.

Jerry Edwards announced at 2:37 p.m. there would be a ten minute break.

The Zoning Board of Appeals resumed the meeting at approximately 2:50 p.m.

Request for Zoning Variance- Jill C Kenny

Nusbaum read the variance request dated December 15, 2015. Jill C Kenny applied for a variance to allow two single family dwellings on a 3.9 acre parcel of A-1 Agriculture land located at 2551 N 1450 East Road, Mansfield IL. There is an existing apartment above the 3 car garage which has not been in use since the ranch home was constructed. They would like to be able to utilize the apartment for persons already residing in the main house. John Kenny was sworn in by Jerry Edwards, and said that he has four people living with him right now in a three bedroom house, and it is crowded. He would like for one of them to be able to use the apartment above the garage which was there when the property was purchased. There was no one present to speak against the request.

The members considered the zoning factors.

1. Will the proposed use compete with the current use of the land?
No. The ZBA unanimously agreed the proposed use would not compete with the current use as the building already exists.
2. Will the proposed use diminish property values in surrounding areas?
No. The ZBA unanimously agreed the proposed use would not diminish property values in the area.
3. Would a denial of the variance promote the health, safety and general welfare of the public?
No. The ZBA 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?
Yes. The ZBA unanimously agreed that denying the variance would create a hardship for the landowner.
5. Would granting the variance create a hardship for the surrounding property owners?
No. The ZBA unanimously agreed that granting the variance would not create a hardship for surrounding property owners.
6. Is the property suitable for its current use?
Yes. The ZBA unanimously agreed that the property is suitable for its current use.
7. Is the property suitable for the proposed use?
Yes. The ZBA unanimously agreed that the property is suitable for the proposed use.
8. Is there a community need to deny the variance?
No. The ZBA unanimously agreed that there is no evidence that there is a community need to deny the variance.
9. Is the subject property non-productive with its current use?
The ZBA agreed that this statement was not applicable.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?
No. The ZBA unanimously agreed that the granting of this variance would not compete with the Piatt County Comprehensive plan.

MOTION: Alice Boylan made motion, seconded by Dave Thompson to recommend approval of the variance to the county board. Roll was called. All in favor, motion carried.

Comments: Sandy Smith had some questions regarding the existing zoning ordinance but said she did not require an answer "today". She said the language says a permissive use is allowed after a permit is granted, but it does not say to who. She said it does not say that the person applying for an SUP has to be a landowner. She said in the permissive uses it does not say that the agricultural activity allowed is by the landowner. Who determines, what process determines whether an exemption is valid for agricultural activity.

Randy Keith answered that most of these are covered by the Right to Farm law which is state statute.

Ms. Smith does not agree with that. She was invited to attend the zoning ordinance review committee meetings and was given the date, place and time of the next meeting.

The County Board will consider both matters on February 10, 2016 at 9 a.m.

MOTION: Boylan made motion, seconded by Thompson to adjourn. All in favor. The meeting was adjourned at 3:34 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer