

Piatt County Zoning Board of Appeals

February 25, 2016

Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, February 25, 2016 in Room 104 of the Courthouse. Acting Chairman Jerry Edwards called the meeting to order. The roll was read. Attending were: Jerry Edwards, Dan Larson, Alice Boylan, Dave Thompson, Bruce Stoddard and Keri Nusbaum. Keri announced there is a quorum. County Board members in attendance were: Randy Keith, Al Manint, Randy Shumard, Renee Freundt and Ray Spencer.

MOTION: Boylan moved to approve the January 21, 2016 minutes as written, seconded by Dan Larson. All in favor, motion carried.

New Business: Variance- Mary E Kirby Trust

Nusbaum read the variance request dated January 13, 2016. First State Bank, trustee for Mary E. Kirby Trust applied for a variation to allow a single family dwelling on 9.13 acres of A-1 Agriculture land. Piatt County Zoning Ordinance requires a minimum of 20 acres for a single family dwelling in A-1 Zoning district. Nikki Mann, of First State Bank was sworn in by acting chairman Jerry Edwards. She stated that the trust was not able to cover the costs of the property such as taxes, insurance, and maintenance. They have a buyer interested, and it would benefit the trust to cut those expenses.

The Board discussed the zoning factors:

1. Will the proposed use compete with the current use of the land?
No. The ZBA unanimously agreed (5-0) that the proposed use would not compete with the current use of the land.
2. Will the proposed use diminish property values in surrounding areas?
No. The ZBA unanimously agreed (5-0) that the proposed use will not diminish property values in the surrounding area.
3. Would a denial of the variance promote the health, safety and general welfare of the public?
No. The ZBA unanimously agreed (5-0) that 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?
Yes. The ZBA unanimously agreed (5-0) that denying the variance would create a hardship for the landowner as they are unable to pay the taxes, maintenance, and other expenses.
5. Would granting the variance create a hardship for the surrounding property owners?
No. The ZBA unanimously agreed (5-0) that granting the variance would not create any hardship for surrounding property owners. The property has existed in its current state for a long time.
6. Is the property suitable for its current use?
Yes. The ZBA unanimously agreed (5-0) that the property is suitable for its current use.

7. Is the property suitable for the proposed use?

Yes. The ZBA unanimously agreed (5-0) that the use of the property will not change.

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

No. The ZBA unanimously agreed (5-0) 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 unanimously agreed (5-0) that it is an existing homestead. There is no productive ground on the site.

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

No. The ZBA unanimously agreed (5-0) that there is no evidence that a granting of the variance would compete with the comprehensive plan.

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

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

Public Comments: Sandy Smith said her property was hit by an off target aerial application of chemicals on July 18, 2015. She is working with the Farm Bureau to see if there is a way rural residents can be notified that spraying will occur. She has been researching aerial spraying, specifically Mikes Air Service, and has placed numerous FOIA requests. She wants to make an official complaint against Mikes Air Service. It is her opinion that this complaint requires an open meeting hearing. She said the address that Mikes Air Service has been using is not correct. She said there is little county oversight of agricultural exemptions. She said the public has been "duly harmed". She said the questions were not asked in 2008 when the SUP was given. She gave Nusbaum a packet with her findings and request, and the remainder of the board of appeals members were given an abbreviated version. Smith asked that the States Attorney address her complaints, however the States Attorney was not present to respond. Edwards thanked her for her comments. Smith said the board should ask their legal counsel what to do next.

Evan Smith also made comments on the same issue. He said the address that Mikes Air Service has been using does not exist according to 911, and it is not fun to be sprayed by a crop duster. He says his property value is impacted, and his enjoyment of his property.

Jim Smith, a member of the same family, made comments as well. He said they have lived in the area since 1976 and support farming, and understands that they are in a farming area. He said Mikes Air Service is violating his civil rights.

Edwards thanked those in attendance.

MOTION: Boylan made motion, seconded by Larson to adjourn. All in favor. The meeting was adjourned at 1:25 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer