

Piatt County Zoning Board of Appeals

June 23, 2016

Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, June 23, 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, and Keri Nusbaum.

Keri announced there is a quorum. County Board members in attendance were: Randy Keith, Randy Shumard, Al Manint, and Renee Freundt.

Edwards asked Nusbaum to read the minutes of the last meeting.

MOTION: Alice Boylan moved to approve the March 24, 2016 minutes as written, seconded by Dan Larson. All in favor, motion carried.

New Business: Variance request- Monticello Golf Association

Nusbaum read the variance request dated May 5, 2016. Mike Marry, board member, acting for Monticello Golf Association applied for a variation to allow construction of a new clubhouse at 720 Allerton Road, Monticello with a front setback of 30 feet. Piatt County Zoning Ordinance requires a front setback of 50 feet in AC and RS zoning. Mike Marry was sworn in, and presented the case to the board. The Association received a large donation toward a new clubhouse, and in order to build the clubhouse with better accessibility, particularly to move the restrooms to the main floor, the front setback would need to be closer to the road. They plan to construct the new building a minimum of 30 feet back.

The Board discussed the zoning factors.

1. Will the proposed use compete with the current use of the land?
No, The Zoning Board of Appeals agreed unanimously (3-0) the proposed use will not compete with the current use, as the golf course and existing clubhouse are already in place.
2. Will the proposed use diminish property values in surrounding areas?
No. The Zoning Board of Appeals agreed unanimously (3-0) that the proposed use will not diminish property values.
3. Would a denial of the variance promote the health, safety and general welfare of the public? No. The ZBA agreed unanimously (3-0) that denying 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 agreed unanimously (3-0) that a hardship would exist if the variance was denied. The ZBA agreed it would create a hardship in that the association's use of the donated funds would be denied.
5. Would granting the variance create a hardship for the surrounding property owners? No. The ZBA agreed unanimously (3-0) that there would be no hardship created, as there would be no change other than an improved appearance.

6. Is the property suitable for its current use? Yes. The ZBA agreed unanimously (3-0). It is currently being used as a golf course and a clubhouse.
7. Is the property suitable for the proposed use? Yes; The ZBA agreed unanimously (3-0) that the proposed use was suitable.
8. Is there a community need to deny the variance? No. The ZBA agreed unanimously (3-0) that there was no evidence of a community need to deny the variance.
9. Is the subject property non-productive with its current use? No; the ZBA agreed that the subject property is in use at the current time.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan? The ZBA agreed unanimously (3-0) that the variance does not compete with the comprehensive plan.

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

Variance request- James Soper

Nusbaum read the variance request dated May 25, 2016. James Soper applied for a yardage variation to construct an accessory building within 8 feet of the side yard line on a parcel of RS Residential Suburban land located at 2148 Sandra Lane, Monticello. Piatt County Zoning Ordinance requires a 50 foot setback from both sides abutting streets on a corner lot in RS zoning. Additionally, a 10 foot side yard is required in RS zoning. The zoning board reviewed the items in the file, including photos.

The Board discussed the zoning factors.

1. Will the proposed use compete with the current use of the land? No; the ZBA agreed unanimously (3-0) 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? No; the ZBA agreed unanimously (3-0) that the proposed use will not diminish property values.
3. Would a denial of the variance promote the health, safety and general welfare of the public? No; the ZBA agreed unanimously (3-0) that a denial of the variance would not 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 unanimously (3-0) that a denial of the variance would not create a hardship for the landowner.

5. Would granting the variance create a hardship for the surrounding property owners? No; the ZBA agreed unanimously (3-0) that granting the variance would not create a hardship for the surrounding property owners.
6. Is the property suitable for its current use?
Yes; the ZBA agreed unanimously (3-0) that the property is suitable for its current use. It is a house on a parcel in a rural subdivision.
7. Is the property suitable for the proposed use?
Yes; the ZBA agreed unanimously (3-0) that the property is suitable for its current use.
8. Is there a community need to deny the variance?
No; the ZBA agreed unanimously (3-0) that there is no evidence of a community need to deny the variance.
9. Is the subject property non-productive with its current use?
No; the ZBA agreed unanimously (3-0) that the use of the property will not change.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan? No; the ZBA agreed unanimously (3-0) that a granting of this variance would not compete with the Piatt County Comprehensive Plan.

MOTION Dan Larson made motion; seconded by Alice Boylan to recommend to approve James Sopers' request for variance. Roll was called; all in favor. Motion passes.

Variance request – Tucker Beckmier

Nusbaum read the variance request dated June 3, 2016. Tucker Beckmier applied for a variation to construct an agricultural storage building 10 feet from the rear property line on a 2.63 acre parcel of A-1 Agricultural land. Piatt County Zoning Ordinance requires a 50 foot rear setback line in A-1 zoning. Megan Beckmier, wife of Tucker Beckmier was sworn in and stated that they desire to construct a new pole barn for storage of equipment and hay. The size they need, and the current layout of buildings on their property make it desirable to place the new building to the rear of the property. They raise sheep, and their boys show the lambs.

Ruth Ann Williams was sworn in, and read a letter from her sister, Linda Bristol, who owns the adjacent farm ground. Bristol is opposed to the variance.

Larson asked Ms. Beckmier about the trees shown on the photo on the property line. They are approximately 20-30 foot tall and would obscure the building from sight. He

asked Bristol why she opposed the variance. She replied “I just don’t want it”. Larson asked if her property was farm ground, yes it is.

The board discussed the zoning factors.

1. Will the proposed use compete with the current use of the land?
No; the ZBA agreed unanimously (3-0) 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?
No; the ZBA agreed unanimously (3-0) that the proposed use will not diminish property values.
3. Would a denial of the variance promote the health, safety and general welfare of the public? No; the ZBA agreed unanimously (3-0) that a denial of the variance would not 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 unanimously (3-0) that a denial of the variance would not create a hardship for the landowner. It would create a problem in that they would need to decrease their number of livestock.
5. Would granting the variance create a hardship for the surrounding property owners? No; the ZBA agreed unanimously (3-0) that granting the variance would not create a hardship for the surrounding property owners.
6. Is the property suitable for its current use?
Yes: the ZBA agreed unanimously (3-0) that the property is suitable for its current use. The use will not change.
7. Is the property suitable for the proposed use?
Yes; the ZBA agreed unanimously (3-0) that the property is suitable for its current use. The use will not change.
8. Is there a community need to deny the variance? No; the ZBA agreed unanimously (3-0) that there is no evidence of a community need to deny the variance.
9. Is the subject property non-productive with its current use?
No; the ZBA agreed unanimously (3-0) that the use of the property will not change.

10. Would a granting of this variance compete with the Piatt County Comprehensive Plan? No; Edwards commented that the Comprehensive Plan serves a purpose, and it allows for persons to ask for a change for their property and their situation. The ZBA agreed unanimously (3-0) that a granting of this variance would not compete with the Piatt County Comprehensive Plan.

Motion Boylan made motion, seconded by Larson to recommend approval of the request for variance. Roll was called, all in favor.

The County Board will hear all of the zoning matters at its regular meeting on July 13, 2016 at 9 a.m.

Public Comments: Sandra Smith commented that on July 25, 2013 there was a similar situation where a variance was requested to build within 2 feet of the property line. No one was there to object. There were three phone calls objecting. She quoted (from her personal notes) Jerry Edwards as opposing that variance, and said she wanted him to be aware of what he said at other meetings.

Edwards thanked her for her comments.

MOTION: Larson made motion, seconded by Boylan to adjourn. All in favor. The meeting was adjourned at 1:32 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer