

Piatt County Zoning Board of Appeals

November 17, 2016

Minutes

The Piatt County Zoning Board of Appeals met at 7:00 p.m. on Thursday, November 17, 2016 in Room 104 of the Courthouse. Chairman Loyd Wax called the meeting to order. The roll was read and Nusbaum announced there was a quorum. Attending were: Loyd Wax, Jerry Edwards, Dan Larson, Alice Boylan, and Keri Nusbaum.

County Board members in attendance were: Randy Keith, Randy Shumard, Al Manint, Ray Spencer and Renee Freundt.

MOTION Jerry Edwards made motion, seconded by Dan Larson, to approve the minutes as provided. On voice vote, all in favor, motion carried.

New Business: Variance request-Paul Shane Unzicker

Nusbaum read the variance request dated October 25, 2016. Paul Shane Unzicker, acting for himself, applied for a variation to allow construction of an addition to an existing non-conforming accessory building up to 2' from the side and rear property line on a parcel of AC Agriculture Conservation land. Piatt County Zoning Ordinance requires a side yard of 25 feet in the AC zoning district. Shane Unzicker was sworn in, and presented the case to the board. He wants to construct an addition on the south side of his barn building which would match the north side addition. He will finish it with red siding and white trim which would improve the appearance of the existing building. The addition would be used to house some of his vehicles, which he feels would benefit his neighbor by creating more parking space on his property, freeing up the shared driveway space. He pointed out on the aerial photo where the existing shared driveway is located. The chain link fence which surrounds the Unzicker property has been there for approximately 17 years. A letter was received objecting to the variance and was included in the file, marked as Exhibit A.

The Board discussed the zoning factors.

VARIATION ZONING FACTORS

1. Will the proposed use compete with the current use of the land?
No. The ZBA voted unanimously that because the current use of the land will not change it will not compete.
2. Will the proposed use diminish property values in surrounding areas?
No. The ZBA voted unanimously that it will 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 voted unanimously that it a denial would not promote the health, safety or welfare of the public.

4. Would denying the variance create a hardship for the landowner?
The ZBA agreed that there is a potential hardship in that with the owners work vehicle and other vehicles parked in the owner's part of the driveway, the shared portion of the driveway could be blocked.
5. Would granting the variance create a hardship for the surrounding property owners?
No. The ZBA agreed unanimously that the proposed 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 that the property is suitable for the current use.
7. Is the property suitable for the proposed use?
Yes. The ZBA agreed unanimously that based on the evidence, the property is suitable for the current use.
8. Is there a community need to deny the variance?
No. The ZBA agreed unanimously that based on the evidence given, there is no need to deny the variance.
9. Is the subject property non-productive with its current use?
The ZBA agreed unanimously that this question was not applicable to the property under consideration.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?
No. This property was part of an original plat of the original town of Centerville. The ZBA agreed unanimously that the variance would not compete with the Piatt County Comprehensive Plan.

MOTION

Dan Larson made motion, seconded by Alice Boylan to recommend approval of the variance to the County Board. Roll was called. All in favor.

Text Amendment to Piatt County Zoning Ordinance

Chairman Loyd Wax asked Piatt County Chair Randy Keith, who chaired the Zoning Ordinance Review Committee, to speak about the process. Nusbaum explained the documents included in the binders. The first change to be considered was the addition of 8 definitions.

MOTION: Jerry Edwards made motion, seconded by Dan Larson to approve the 8 new definitions. Roll was called, all in favor, and the motion carried.

The next item to be considered was changes to the existing definitions.

Steve Schreffler asked to speak and was sworn in by Loyd Wax. He questioned the change in the definition of Home Occupation. He objects to the verbiage about machinery, and undue traffic. He also has concerns about using the term motor-driven vehicle in the garage definitions. Wax asked what he thought should be used in place of undue traffic. That could be a subjective term. Edwards pointed out that these definitions are for the county.

Shreffler recommended making no changes to the Home Occupation definition.

Member of the audience Sandy Smith was sworn in by Loyd Wax. She asked who the ZBA was trying to exclude. She asked for an explanation of Home Occupation vs. business. She thought agriculture activity should have to be the use of the land. She asked if a structure could be a farm. She thought the number assigned to non-family members in Home Occupation should not be used. She brought up a past case which came before the board several months ago. She asked that definitions be added for personal property and real property. Steve Shreffler addressed her question regarding real property vs. personal property. He said that a person can own personal property and not the real estate it sits on.

The board discussed the relevant points that were brought up.

MOTION: Jerry Edwards made motion to approve the proposed text amendment with a request for the County Board to address the concerns with the definition of a Home Occupation., seconded by Dan Larson. Roll was called, all in favor, and the motion carried.

The next item was a list of additions to the zoning ordinances. There are 9 proposed additions, including a lighting ordinance.

MOTION: Jerry Edwards made motion to approve the proposed text amendment as presented, Seconded by Alice Boylan. Roll was called, all in favor and the motion carried.

The final segment for consideration was corrections and changes to the ordinance.

Wax asked if there were comments. Sandy Smith asked about Article 1, paragraph one. She said nowhere does it say what land any ordinance applies to. She said the ordinance applies to people, not land. The article she was questioning was not part of the discussion on the agenda for this meeting. Only the proposed changes were on the agenda for this ZBA hearing. The discussion returned to the matter at hand, and Ms. Smith left.

MOTION: Jerry Edwards made motion to approve the proposed text amendment, with a request for the County Board to review and consider the definitions of and use of 'motor driven' and 'motorized'. Alice Boylan seconded the motion. Roll was called, all in favor, and the motion carried.

MOTION: Jerry Edwards made motion to approve the proposed text amendment with the addition of a requirement for a NRI report. Dan Larson seconded the motion. Roll was called and the motion passed.

The suggestion reads: A requirement for NRI (Natural Resource Inventory) report to be performed, at the applicant's expense, on any A-1 or A-C property where construction is proposed. If there is an existing building on the property, no report is required.

The County Board will hear all of the zoning matters at its regular meeting on December 14, 2016 at 9 a.m.

MOTION: Dan Larson made motion to approve the meeting schedule for 2017 as presented. Alice Boylan seconded. Motion passed.

Public Comments – No further comments.

MOTION: Jerry Edwards made motion, seconded by Boylan to adjourn. All in favor. The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer