

Piatt County Zoning Board of Appeals

February 23, 2017

Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, February 23, 2017 in Room 104 of the Courthouse. Jerry Edwards called the meeting to order. The roll was read and Nusbaum announced there was a quorum. Attending were: Jerry Edwards, Dan Larson, Alice Boylan, Bruce Stoddard and Keri Nusbaum. Zoning Board of Appeals members not in attendance were: Loyd Wax and John McRae.

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

MOTION: Dan Larson made motion, seconded by Alice Boylan, to approve the minutes from November 17, 2016 as written. On voice vote, all in favor, motion carried.

New Business: Variance request-Diane Musumeci

Nusbaum read the variance request dated February 3, 2017. Diane Musumeci, acting for herself, applied for a variation to allow changes to boundaries of two parcels of land less than 20 acres in AC zoning, thereby creating a third parcel of less than 20 acres, to allow construction of a single family residence on a parcel of AC Agriculture Conservation land less than 20 acres located at 1376 and 1378 E 2250 North Road in White Heath. Piatt County Zoning Ordinance requires 20 acres for a single family dwelling in the AC zoning district. Diane Musumeci was sworn in, and presented the case to the board. Their builder provided sketches of the proposed building site via email as well. The new boundary follows a natural ravine, and would maintain the wooded area for privacy in the event they would ever sell the second parcel. There was no one to speak against the variation request. The Board discussed the zoning factors.

VARIATION ZONING FACTORS- Musumeci

1. Will the proposed use compete with the current use of the land?
No. The Zoning Board of Appeals agreed unanimously (4-0) that the proposed use would not compete with the current use of the land. There were previously dwellings on both properties.
2. Will the proposed use diminish property values in surrounding areas?
No. The Zoning Board of Appeals agreed unanimously (4-0) 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 Zoning Board of Appeals agreed unanimously (4-0) that the proposed use will not diminish property values.
4. Would denying the variance create a hardship for the landowner?
No. The Zoning Board of Appeals agreed unanimously (4-0) that while it would be an inconvenience, denying the variance would not create a hardship.

5. Would granting the variance create a hardship for the surrounding property owners?
No. The Zoning Board of Appeals agreed unanimously (4-0) that granting the variance would not create a hardship for surrounding property owners. There were no objectors to the granting of the variance.
6. Is the property suitable for its current use?
Yes. The Zoning Board of Appeals agreed unanimously (4-0) that the property is suitable for its current use.
7. Is the property suitable for the proposed use?
Yes. The Zoning Board of Appeals agreed unanimously (4-0) that the property is suitable for the proposed use. There were buildings on both parcels previously.
8. Is there a community need to deny the variance?
No. The Zoning Board of Appeals agreed unanimously (4-0) that there were no objectors and there is not a community need to deny the variance.
9. Is the subject property non-productive with its current use?
No. The Zoning Board of Appeals agreed unanimously (4-0) that the property is not non-productive currently.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?
No. The Zoning Board of Appeals agreed unanimously (4-0) that the granting of this variance would not compete with the Piatt County Comprehensive Plan.

MOTION: Alice Boylan made motion to recommend the variance requested to the County Board, seconded by Dan Larson. Roll was called. Boylan – Yes; Larson – Yes; Edwards- Yes; Stoddard- Yes. All in favor.

SUP Request – Charming Acres, Inc.

Nusbaum read the SUP request dated February 2, 2017. Charming Acres, Inc., by officers Amanda Wiegel, President and Christine Wiegel, Secretary applied for a Special Use Permit for a Minor Subdivision on A1 and AC land located at 995 E 1730 North Road, Monticello. Piatt County Zoning Ordinance requires a SUP for a minor subdivision in A1 or AC zoning. The parcel is to be split into 3 smaller parcels to allow for the sale of same. One of the intended parcels will be less than 20 acres. Phil Van Ness, attorney for the applicant presented the information for the request. The parcels north of the road will be included in an auction to be held in late March. They are not requesting a change in the zoning district, at this point the current use would not change. The SUP would be given to the applicant only. New owners would need to make any requests for any change in the intended use.

The zoning factors were discussed. The state’s attorney advised the board needed only to do the 10 zoning factors.

VARIATION ZONING FACTORS- Charming Acres 995

1. Will the proposed use compete with the current use of the land?
No. The Zoning Board of Appeals agreed unanimously (4-0) 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 Zoning Board of Appeals agreed unanimously (4-0) that the proposed use would not diminish property values in the surrounding areas.
3. Would a denial of the variance promote the health, safety and general welfare of the public?
No. The Zoning Board of Appeals agreed unanimously (4-0) that the denial of the variance/special use permit would not promote the health, safety or general welfare of the public.
4. Would denying the variance create a hardship for the landowner?
No. The Zoning Board of Appeals agreed unanimously (4-0) that denying the variance/special use permit would not necessarily create a hardship for the landowner, although it would make it more difficult for them to sell in the long run.
5. Would granting the variance create a hardship for the surrounding property owners?
No. The Zoning Board of Appeals agreed unanimously (4-0) that approval of the variance/special use permit would not create a hardship for the surrounding property owners.
6. Is the property suitable for its current use?
Yes. The Zoning Board of Appeals agreed unanimously (4-0) that the property is suitable for its current use.
7. Is the property suitable for the proposed use?
Yes. The Zoning Board of Appeals agreed unanimously (4-0) that there will be no change in the use of the property, therefore it is suitable.
8. Is there a community need to deny the variance? No. The Zoning Board of Appeals agreed unanimously (4-0) that there is no evidence of a community need to deny the application for special use permit.
9. Is the subject property non-productive with its current use?
No. The Zoning Board of Appeals agreed unanimously (4-0) that the subject property is not non-productive with its current use.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?
No. The Zoning Board of Appeals agreed unanimously (4-0) that the special use permit would not compete with the Piatt County Comprehensive Plan.

MOTION: Alice Boylan made motion, seconded by Dan Larson, to approve the request as presented. Roll was called. Boylan- Yes; Larson – Yes; Edwards- Yes; Stoddard – Yes. All in favor.

SUP Request – Charming Acres, Inc.

Nusbaum read the SUP request dated February 2, 2017. Charming Acres, Inc., by officers Amanda Wiegel, President and Christine Wiegel, Secretary applied for a Special Use Permit for a Minor Subdivision on A1 and AC land located at 1026 E 1765 North Road, Monticello. Piatt County Zoning Ordinance requires a SUP for a minor subdivision in A1 or AC zoning. The parcel is to be split into 4

smaller parcels to allow for the sale of same. One of the intended parcels will be less than 20 acres. Phil Van Ness, attorney for the applicant presented the information for the request. The parcels north of the road will be included in an auction to be held in late March. They are not requesting a change in the zoning district, at this point the current use would not change. They believe that the change will make the parcel boundaries make more sense.

The SUP would be given to the applicant only. New owners would need to make any requests for any change in the intended use. The zoning factors were discussed.

VARIATION ZONING FACTORS- Charming Acres 1026

1. Will the proposed use compete with the current use of the land?
No. The Zoning Board of Appeals agreed unanimously (4-0) 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 Zoning Board of Appeals agreed unanimously (4-0) that the proposed use would not diminish property values in the surrounding areas.
3. Would a denial of the variance promote the health, safety and general welfare of the public?
No. The Zoning Board of Appeals agreed unanimously (4-0) that the denial of the variance/special use permit would not promote the health, safety or general welfare of the public.
4. Would denying the variance create a hardship for the landowner?
No. The Zoning Board of Appeals agreed unanimously (4-0) that denying the variance/special use permit would not necessarily create a hardship for the landowner, although it would make it more difficult for them to sell in the long run.
5. Would granting the variance create a hardship for the surrounding property owners?
No. The Zoning Board of Appeals agreed unanimously (4-0) that approval of the variance/special use permit would not create a hardship for the surrounding property owners.
6. Is the property suitable for its current use?
Yes. The Zoning Board of Appeals agreed unanimously (4-0) that the property is suitable for its current use.
7. Is the property suitable for the proposed use?
Yes. The Zoning Board of Appeals agreed unanimously (4-0) that there will be No change in the use of the property.
8. Is there a community need to deny the variance?
No. The Zoning Board of Appeals agreed unanimously (4-0) that there is no evidence of a community need to deny the application for special use permit.
9. Is the subject property non-productive with its current use? No. The Zoning Board of Appeals agreed unanimously (4-0) that the subject property is not non-productive with its current use.

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

No. The Zoning Board of Appeals agreed unanimously (4-0) that the special use permit would not compete with the Piatt County Comprehensive Plan.

MOTION: Dan Larson made motion, seconded by Bruce Stoddard, to make a recommendation to the County Board to approve the request for a Special Use Permit. Roll was called. Larson – Yes; Stoddard – Yes; Edwards – Yes; Boylan – Yes. All in favor.

The County Board will hear all of the zoning matters at its regular meeting on March 8, 2017 at 9 a.m.

Public Comments – No further comments.

MOTION: Bruce Stoddard made motion, seconded by Alice Boylan to adjourn. All in favor. The meeting was adjourned at 1:34 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer