

Piatt County Zoning Board of Appeals

September 28, 2017

Minutes

The Piatt County Zoning Board of Appeals met at 7:00 p.m. on Thursday, September 28, 2017 in Room 104 of the Courthouse. Chairman Loyd Wax called the meeting to order at 7:00 p.m. The roll was read and Nusbaum announced there was a quorum. Attending were: Loyd Wax, Jerry Edwards, Jim Harrington and Keri Nusbaum. Zoning Board of Appeals members not in attendance were: Dan Larson and Alice Boylan.

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

MOTION: Jerry Edwards made motion, seconded by Jim Harrington to approve the minutes from August 24, 2017 as written. On voice vote, all in favor, motion carried.

New Business:

Niles -Variation to allow an existing homestead to be separated with less than 2 acres

Nusbaum read the Variation request dated August 11, 2017. Debra K. Niles applied for a Variation to allow an existing homestead to be separated with approximately 1.17 acres of A-1 Agriculture land located at 798 North State Hwy 105, Bement, Illinois.

Debra Niles and Randy Niles were sworn in by Chairman Loyd Wax. They explained that Debra has inherited the farm ground and the house her parents formerly lived in. They wish to possibly sell the house with 1.17 acres. Piatt County zoning ordinance requires a minimum of 2 acres. The 1.17 acres includes the grassy area. If they separated off 2 acres, they would lose approximately 1 acre of tillable crop ground. Edwards said he is concerned about allowing less than 2 acres, although he can see the concern regarding the loss of an acre of productive farm land. Wax asked if the well and septic for the house are contained within the proposed 1.17 acre parcel. Niles said yes. There were no objectors present. Edwards remarked that this action would prevent the remaining farm ground from being split up. The board discussed the zoning factors.

VARIATION ZONING FACTORS –Debra K Niles

1. Will the proposed use compete with the current use of the land?
No. The Zoning Board of Appeals agreed unanimously (3-0) that the use of the land will not change therefore 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 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. There is no evidence that it would. The Zoning Board of Appeals agreed unanimously (3-0) 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?
No. The Zoning Board of Appeals agreed unanimously (3-0) that denying the variation would not create a hardship for the landowner, but certainly an inconvenience.

5. Would granting the variance create a hardship for the surrounding property owners?
No. The Zoning Board of Appeals agreed unanimously (3-0) that there is no evidence that granting the variance would 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 (3-0) that the property is suitable for its current use.
7. Is the property suitable for the proposed use?
Yes. It's the same use. The Zoning Board of Appeals agreed unanimously (3-0) that the property is suitable for the proposed use.
8. Is there a community need to deny the variance?
No. There was no one in attendance to speak against the variation. The Zoning Board of Appeals agreed unanimously (3-0) that 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 (3-0) that the property is not non-productive in 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 (3-0) that the granting of the variance would not compete with the Piatt County Comprehensive plan.

MOTION: Jim Harrington made motion to recommend the Variation requested to the County Board. The motion was seconded by Jerry Edwards. Roll was called. Edwards – Yes; Harrington – Yes; Wax- Yes; All in favor.

O'Neal – Variation to allow the sale and residential use of 3.57 acres of A-1 land.

Nusbaum read the Variation request dated August 10, 2017. John and Janet O'Neal applied for a variation to allow for the sale and residential use of a 3.57 acre tract of A-1 Agriculture land located at 1873 Deland Monticello Road, Monticello IL. John O'Neal was sworn in by Chairman Loyd Wax. He explained that he and his wife own approximately 13.6. They had listed the 3.57 acre tract for sale, and they have a contract on it now. The proposed buyers are in attendance. Andrew Collum was sworn in by Chairman Loyd Wax. They prefer to be in the country, and would like to build a 3 bedroom, 3 bath residence. Wax referred to the challenges reported in the LESA report. Mr. Collum said he would defer to the experts to place the well and septic. Wax gave Mr. Collum a copy of the report at the hearing. Edwards voiced concerns over the number of splits which have already occurred, and the Deland high capacity well going in at the front of the property. Mr. Collum has had percolation tests performed.

Raymond Burke and David Burke signed in to appear and speak about the subject property. They were sworn in by Chairman Wax. They raise livestock nearby and are concerned that people moving in would complain about the smell, etc. They also said the property is not in compliance with the allowed splits. They are also concerned about flooding. According to them approximately 800 acres drain through there. Harrington asked what the ground is being used for. O'Neal said hay has been cut off it, it has not been plowed. David Burke brought up that he thinks the proposed 15 foot wide easement is too narrow for any emergency vehicles.

Nusbaum said that the Agricultural Nuisance Law /Illinois Right to Farm would apply to any complaints from the new residents. She read the Law out loud to the attendees. Edwards said he felt that since the

one split for the wells was for a public utility, it could be disregarded. O'Neal said he has no intention of selling any other property off. Wax commented that no farm ground would be taken out of production, he said if it were, the request would definitely be denied. The ZBA discussed the zoning factors.

VARIATION ZONING FACTORS –O'Neal

1. Will the proposed use compete with the current use of the land?
No. The land is not being used for anything right now.
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 Zoning Board of Appeals agreed unanimously (3-0) 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?
No. An inconvenience perhaps. The Zoning Board of Appeals agreed unanimously (3-0) that denying the variation would not create a hardship for the landowner.
5. Would granting the variance create a hardship for the surrounding property owners?
No. The Zoning Board of Appeals agreed unanimously (3-0) that there is no evidence that granting the variance would 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 (3-0) 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 (3-0) that the property is suitable for the proposed use.
8. Is there a community need to deny the variance?
No. There is some community concern. The Zoning Board of Appeals agreed unanimously (3-0) that there is not a community need to deny the variance.
9. Is the subject property non-productive with its current use?
Yes. The Zoning Board of Appeals agreed unanimously (3-0) that the property is non-productive in 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 (3-0) that the granting of the variance would not compete with the Piatt County Comprehensive plan.

Edwards said his main concern is allowing another split. Harrington agreed that he would like to know where it began, and how many times this parcel has been split.

Randy Keith suggested that the ZBA make a recommendation to the County Board, and in the interim Nusbaum will do some research to find out the history of splits of the parcel.

Motion: Edwards made motion to recommend this case to the County Board for approval, pending review of the previous transactions. Jim Harrington seconded. Roll was called, Edwards – Yes, Harrington- Yes, Wax – Yes. The ZBA unanimously approved (3-0).

The third item on the agenda is a permit application from Insite Inc. to place a 195' cellular tower at 847 N 1000 E Road, Bement. Piatt County zoning ordinance gives the ZBA the power to recommend to the County Board the permitting of the following exception: cellular communications tower.

Motion: Edwards made motion to recommend permitting to the County Board, seconded by Harrington. Roll was called. Edwards – Yes, Harrington- Yes, Wax – Yes. All in favor and the motion carried.

The County Board will hear these zoning matters at its regular meeting on October 11, 2017 at 9 a.m.

Public Comments – None

MOTION: Jim Harrington made motion, seconded by Jerry Edwards to adjourn. Voice vote; All in favor. The meeting was adjourned at 1:24 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer