

# Piatt County Zoning Board of Appeals

June 28, 2018

## Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, June 28, 2018 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: Wax, Jerry Edwards, Dan Larson, Jim Harrington and Keri Nusbaum. Zoning Board of Appeals member not in attendance was: Kyle Lovin. County Board members in attendance were: Ray Spencer, Renee Freundt, Al Manint, and Robert Murrell.

**MOTION:** Jerry Edwards made motion, seconded by Dan Larson, to approve the minutes from May 24, 2018 as written. On voice vote, all in favor, motion carried.

Chairman Wax reminded those in attendance that ZBA recommendations are based upon evidence, the ordinance, and the factors they are required to consider. He talked about the contents of the NRI reports which are required for some applications. He reminded members that the ordinance prohibits a variation based exclusively on a desire to make more money out of the property.

### **New Business: Variation**

Nusbaum read the information for the application of Tenna Knox, who requests a variation to separate and sell her residence with 4.924 acres of AC land. The Piatt County ordinance allows a home built before September 10, 2010 to be separated and sold with 2-5 acres. Their house was built in 2012. Tenna Knox was sworn in and said that they would like to sell their house but retain the remainder of their farm land. They would like to move closer to their oldest daughter. There were no others in attendance to address the subject. The board considered the variation zoning factors.

#### **VARIATION ZONING FACTORS- Knox**

1. Will the proposed use compete with the current use of the land?  
The ZBA agreed (4-0) that the proposed use would not compete with the current use of the land.  
The use will not change.
2. Will the proposed use diminish property values in surrounding areas?  
The ZBA agreed (4-0) that the proposed use would not diminish property values.
3. Would a denial of the variance promote the health, safety and general welfare of the public?  
The ZBA agreed (4-0) that a denial of the variance 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 (4-0) that denial would not create a true hardship. It would make it very difficult for them to sell their home and keep the farmland.
5. Would granting the variance create a hardship for the surrounding property owners?  
The ZBA agreed (4-0) that there is no evidence that granting the variance would create a hardship for surrounding property owners.
6. Is the property suitable for its current use?  
The ZBA agreed (4-0) that the property is suitable for its current use.
7. Is the property suitable for the proposed use?  
The ZBA agreed (4-0) that the property is suitable for the proposed use.  
The use will not change.

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

The ZBA agreed (4-0) that there is no evidence of a community need to deny the variance.

9. Is the subject property non-productive with its current use?

The ZBA agreed (4-0) that the subject property is not in production at this time, it is a residence and accessory buildings.

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

The ZBA agreed (4-0) that granting the variance would not compete with the comprehensive plan.

**MOTION:** Dan Larson made motion to recommend the approval of the Variation requested to the County Board for their consideration, seconded by Jim Harrington. Roll was called. Larson – Yes; Harrington- Yes; Edwards- Yes; Wax – Yes. All in favor.

**SUP Minor Subdivision – Lemmon**

Nusbaum introduced the application of Willis and Rosemary Lemmon. The Lemmon’s wish to divide and sell two parcels from their existing 80 acre tract of A1 land.

David Cox, attorney representing the applicants, presented the proposal to the Zoning Board of Appeals. He emphasized that their application was only to divide the property into three parcels. They have no plans for development, only to sell the two parcels. The Lemmon’s will retain their home and 20 acres. Parcel 3 and the bottom land (approximately 54 acres) will be sold to one purchaser, while Parcel 2 (6.45 acres +/-) is being sold to another, who is on the agenda today, as well. The Lemmon’s will continue to farm the land they keep. Mr. Wax pointed out that the property has a NRI score on the higher end. Parcel 3 is a flag lot, allowing for access. The low ground (Parcel 3) is being purchased by an adjacent land owner, which would also allow for access. The ZBA considered the factors.

**SUP Factors - Lemmon**

1. The existing uses and zoning of nearby property.

The ZBA agreed that there are more Single Family residences than farms in this area.

2. The extent to which property values are diminished by the zoning restrictions imposed.

The ZBA agreed that the property values are not diminished.

3. The extent to which the reduction of property values of Applicant or other landowners promotes the health, safety, morals or general welfare of the public.

The ZBA agreed that there will be no reduction in property values.

4. The relative gain to the public as compared to the hardship imposed upon the Applicant and/or adjoining landowners.

The board felt that there was no gain to the public, and there is no hardship for the applicant.

5. The suitability of the Applicant’s property for the zoned purpose.

The property is currently zoned A1

6. The length of time the Applicant’s property has been vacant as presently zoned.

The property is not vacant. N/A

1. Will granting the SUP be detrimental to the safety, comfort, or general welfare of the community?

The ZBA agreed (4-0) that there is no evidence that granting the SUP would be detrimental to the safety, comfort, or general welfare of the community.

2. Will granting the SUP not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood?

The ZBA agreed (4-0) that granting the SUP would not be injurious to the use or enjoyment of other property in the vicinity, and would not substantially diminish or impair property values.

3. Will granting the SUP not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoned district?

The ZBA agreed (4-0) that granting the SUP would not impede development or improvement of surrounding property.

4. Are there adequate utilities, access roads, drainage, and other facilities if the SUP is granted?

The ZBA agreed (4-0) that there are adequate utilities, roads, drainage and facilities.

5. Are there adequate measures to provide ingress and egress to minimize traffic congestion in the public streets if the SUP is granted?

The ZBA agreed (4-0) there is adequate ingress/egress.

6. Does the SUP conform to the regulations of the zoned district?

The ZBA agreed (4-0) that it does not, hence the need for the SUP.

7. Does the SUP in all other respects conform to the regulations of the zoned district and the Zoning Board must find that there is a public necessity for the special use.

The ZBA agreed (4-0) that the proposed used conforms with the uses in the area, and that there is not a necessity, but a desire.

8. Does the SUP not compete with the Piatt County Comprehensive Plan, and is it in harmony with the goals of the Piatt County Comprehensive Plan?

The ZBA agreed (4-0) that the SUP does not compete with the comprehensive plan.

**MOTION:** Edwards made motion to recommend to the County Board, with the SUP to be granted only to applicant, not with the land. Second by Harrington. Roll was called – Edwards – Yes, Harrington- Yes, Larson- Yes; Wax- Yes. Motion carried.

The County Board will consider the application on July 11, 2018 at 9 a.m.

### **Variation – Robinson**

Michael Robinson applied for a variation on June 5, 2018 to allow construction of a single family dwelling on 6.645 acres of A1 land. This is Tract 2 of the Lemmon minor subdivision just heard by the ZBA. Mr. Robinson was sworn in by Chairman Wax. He told the board about his intention to build a single family dwelling on a tract of the Lemmon Subdivision. He is a lifelong Piatt County resident, and intends to live here for the foreseeable future. His great grandfather owned the property prior to the Lemmons. Edwards asked where the proposed home site would be. Robinson showed an aerial map indicating the spot he would like to place the home. LESA scores showed concern about a septic system. Mr. Robinson understands that a well or septic plan must be approved by the Health Department. The ZBA reviewed the variation zoning factors.

## VARIATION ZONING FACTORS- Robinson

1. Will the proposed use compete with the current use of the land?  
The ZBA agreed unanimously (4-0) that the proposed use could complete with the current use of the land. It is not currently in production, but it could be.
2. Will the proposed use diminish property values in surrounding areas?  
The ZBA agreed (4-0) that property values would not be diminished.
3. Would a denial of the variance promote the health, safety and general welfare of the public?  
The ZBA agreed (4-0) that a denial would not promote the health, safety or general welfare of the public.
4. Would denying the variance create a hardship for the landowner?  
The ZBA agreed (4-0) that denying the variance would not create a hardship, but an inconvenience as he has invested in the property with the intention of building.
5. Would granting the variance create a hardship for the surrounding property owners?  
The ZBA agreed (4-0) that granting the variance would not create a hardship for the surrounding property owners.
6. Is the property suitable for its current use?  
The ZBA agreed (4-0) that the property is suitable for its current use.
7. Is the property suitable for the proposed use?  
The ZBA agreed (4-0) that the property is suitable for the proposed use.
8. Is there a community need to deny the variance?  
The ZBA agreed (4-0) that there is no evidence of a community need to deny the variance.
9. Is the subject property non-productive with its current use?  
The ZBA agreed (4-0) that the property is non-productive currently, but it could be productive.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?  
The ZBA agreed (4-0) that granting the variance would not compete with the Piatt County Comprehensive Plan.

**Motion:** Jim Harrington made motion, seconded by Larson to recommend the approval of the variation to the County Board. Roll was called. Harrington – Yes; Larson- Yes; Edwards- Yes; Wax – Yes. Motion carried.

The County Board will consider this matter at their July 11, 2018 meeting.

### **SUP application – USS Farmer City Solar LLC/James Warren**

On June 4, 2018 USS Farmer City Solar LLC and property owner James Warren applied for a Special Use Permit for a Community Solar Garden for A1 property located at 844 E 3200 North Road, Farmer City Illinois. Nathan Wozniak from US Solar was sworn in by Chairman Wax. US Solar is based in Minnesota. This project would be placed on the grid, and subscriptions sold to individuals to offset their electric bill. He explained the programs in place through the Future Energy Jobs Act. Mr. Wozniak explained the goal of the State to have 25% of energy come from renewable resources by 2025. They are proposing a 3-4 megawatt project to be located on 30 acres of a 40 acre tract. This would include approximately 8.5 thousand tracking panels. The panels are 10’ tall at their tallest position. There would a 15’ wide access road included at the site. They are proposing a cattle style fence around the project upon suggestion of adjacent land owners. Their company uses native pollinators for their ground cover.

There will be no permanent sanitation facilities or well on the property. The land will be kept in good condition, and can be returned to farming use after the useful life of the Solar Garden. Wax noted some of the early solar farms did not work out. Wozniak said the efficiency and safety have improved over the last 15 years. Edwards asked about the impact upon roads in the area. During construction, there would be approximately 32 deliveries, no more than 4 deliveries per day. After construction, there would be occasional trips for maintenance. SB2591 was just sent to the governor's desk. This will require an Agriculture Impact Mitigation agreement from solar companies. SB0486 regulates the value of a project. This project would generate approximately \$21,000 in taxes per year. Edwards asked about the potential timetable. Wozniak responded they are waiting for some items to flow through the legislature. IPA needs to hire another agency to oversee solar energy, and they must prove they have an interconnection agreement. He expects construction to begin spring 2019. Construction takes approximately 6 months. The lease agreement is 25-40 years. The components life span is within that range. The contract with the utility company is 25 years. Larson asked about the disposal of used panels. Are they harmful to the environment? The older panels included cadmium and other chemicals. The new panels are not harmful, and are largely recyclable. There is a small amount of lead in the panels. The ZBA considered the zoning factors.

### **SUP Factors – US Farmer City Solar LLC**

1. The existing uses and zoning of nearby property.  
The ZBA agreed (4-0) that the uses of nearby property is agriculture.
  2. The extent to which property values are diminished by the zoning restrictions imposed.  
The ZBA agreed (4-0) that property values are not diminished, and will not be diminished by the proposed use.
  3. The extent to which the reduction of property values of Applicant or other landowners promotes the health, safety, morals or general welfare of the public.  
The ZBA agreed there will be no reduction of property values.
  4. The relative gain to the public as compared to the hardship imposed upon the Applicant and/or adjoining landowners.  
The ZBA agreed that there is a potential gain to the public, and that these projects are needed if the state is to meet its goals for renewable energy.
  5. The suitability of the Applicant's property for the zoned purpose.  
The ZBA agreed that the proximity to the power lines make it suitable.
  6. The length of time the Applicant's property has been vacant as presently zoned.  
N/A (Ground only)
1. Will granting the SUP be detrimental to the safety, comfort, or general welfare of the community?  
The ZBA agreed (4-0) that there is no evidence that granting the SUP would be detrimental to the community.
  2. Will granting the SUP not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood?  
The ZBA agreed (4-0) that granting the SUP would not be injurious.

3. Will granting the SUP not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoned district?  
The ZBA agreed (4-0) that granting the SUP would not impede development and improvement.
4. Are there adequate utilities, access roads, drainage, and other facilities if the SUP is granted?  
The ZBA agreed (4-0) that there are adequate facilities in place if the SUP is granted.
5. Are there adequate measures to provide ingress and egress to minimize traffic congestion in the public streets if the SUP is granted?  
The ZBA agreed (4-0) that there are adequate measures in place.
6. Does the SUP conform to the regulations of the zoned district?  
The ZBA agreed (4-0) that the SUP would conform to the regulations of the zoned district. If it is recommended, it would be required to conform to the proposed Piatt County Solar Ordinance.
7. Does the SUP in all other respects conform to the regulations of the zoned district and the Zoning Board must find that there is a public necessity for the special use.  
No. The ZBA agreed (4-0) that the SUP does not conform and that there is not a public necessity.
8. Does the SUP not compete with the Piatt County Comprehensive Plan, and is it in harmony with the goals of the Piatt County Comprehensive Plan?  
The ZBA discussed and voted (4-0) that the SUP would not compete. This use was probably not considered when the comprehensive plan was written, but is in harmony with the goals.

**Motion:** Edwards made motion, seconded by Harrington, to recommend approval of the Special Use Permit to the County Board with the stipulation that the project would meet all of the requirements of the approved Solar Ordinance when it is enacted. Roll was called. Edwards – Yes; Harrington-Yes; Larson – Yes; Wax- Yes. All in favor and motion carried.

Wax announced that all of these matters will be considered on July 11 at 9 a.m. by the County Board.

**Public Comments** – No further comments.

**MOTION:** Harrington made motion, seconded by Larson to adjourn. All in favor. The meeting was adjourned at 2:55 p.m.

Respectfully submitted,

Keri Nusbaum  
Piatt County Zoning Officer