

Piatt County Zoning Board of Appeals

July 26, 2018

Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, July 26, 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, Kyle Lovin, States Attorney Dana Rhoades and Keri Nusbaum. County Board members in attendance were: Al Manint, Ray Spencer, Randy Shumard, Renee Freundt, and Dale Lattz.

**MOTION:** Dan Larson made motion, seconded by Jim Harrington, to approve the minutes from June 28, 2018 as written. On voice vote, all in favor, motion carried.

**New Business: Variation**

Nusbaum read the information for the application of Kyle Meece, who applied for a variation to allow for the sale and residential use of 4.18 acres of A-1 Agriculture land located on Licksillet Road, White Heath. Kyle Meece was sworn in by Chairman Wax. He said the property in question was untillable acres. He said it is in grass, and because of the slope cannot be farmed. He shared drone photos. The board asked how long the ground had been farmed by the Meece brothers. (5 years) Nusbaum read a letter that was submitted by the adjacent land owners who are against the approval. The Zoning Board members considered the factors. At this point, the Chairman introduced the results of the LESA/NRI report. This property has a very high LESA score of 243.7.

**VARIATION ZONING FACTORS- K. Meece**

1. Will the proposed use compete with the current use of the land?  
The ZBA agreed (5-0) that the proposed use would compete with the current use of the land.
2. Will the proposed use diminish property values in surrounding areas?  
The ZBA agreed (5-0) 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 (5-0) that a denial of the variance would promote the health, safety or welfare of the public. The letter presented by the area property owners cited a narrow winding road and other concerns. There is also a limited availability to widen the road.
4. Would denying the variance create a hardship for the landowner?  
The ZBA agreed (5-0) that denial would not create a true hardship. They have been able to farm the property.
5. Would granting the variance create a hardship for the surrounding property owners?  
The ZBA agreed (5-0) that there is evidence (the letter) that granting the variance would create a hardship for surrounding property owners.
6. Is the property suitable for its current use?  
The ZBA agreed (5-0) that the property is suitable for its current use.
7. Is the property suitable for the proposed use?  
The ZBA voted (4 yes-1 no) that the property is suitable for the proposed use. Edwards, Harrington, Larson, Lovin- Yes; Wax- No
8. Is there a community need to deny the variance?  
The ZBA agreed (5-0) that there is evidence of a community need to deny the

variance. The signed letter is evidence of the objection by the community.

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

The ZBA agreed (5-0) that the subject property is not in production at this time.

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

The ZBA agreed (5-0) that granting the variance would compete with the comprehensive plan.

**MOTION:** Jerry Edwards made motion to recommend the approval of the Variation requested to the County Board for their consideration, seconded by Dan Larson. Roll was called. Larson – No; Harrington- No; Edwards- No; Lovin-No; Wax – No. The motion failed and variation will not be recommended to the County Board.

**SUP Minor Subdivision – Ryan Meece**

Nusbaum read the information for the application of Ryan Meece, who applied for a Special Use Permit for a Minor Subdivision for property zoned A1 Agriculture located on Licksillet Road, White Heath. Ryan Meece was sworn in and presented his case to the ZBA. Wax pointed out that the LESA score for this property is 250, one of the highest scores the board has ever seen.

**SUP Factors - Meece**

1. The existing uses and zoning of nearby property.  
The ZBA agreed that the nearby property was mostly farmland.
  2. The extent to which property values are diminished by the zoning restrictions imposed.  
The ZBA agreed (5-0) that property values would not be 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.  
Property values will not be diminished.
  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 will be no gain to the public.
  5. The suitability of the Applicant's property for the zoned purpose.  
The property is currently zoned A-1.
  6. The length of time the Applicant's property has been vacant as presently zoned.  
It is agriculture property.
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1. Will granting the SUP be detrimental to the safety, comfort, or general welfare of the community?  
The ZBA voted Wax, Edwards, Harrington, Lovin – Yes; Larson –No. (4 yes-1 No) 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 (5-0) that granting the SUP would be injurious to the use or enjoyment of other property in the vicinity, and would not substantially diminish or impair property values, evidenced by the letter submitted by nearby landowners.

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 voted (3 yes (it would not impede)-2 no (it would impede) (Edwards, Wax-No; Larson, Harrington, Lovin – Yes) 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 (5-0) that there are adequate utilities, roads, drainage and facilities.

After discussion, State’s Attorney Rhoades reminded the ZBA that they have the option to refer the request to the Plat Committee, consisting of the Health Dept., Highway Dept., and other members to review these details.

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 (5-0) there is concern from inhabitants of the area regarding ingress/egress and traffic on the road.

6. Does the SUP conform to the regulations of the zoned district?  
The ZBA agreed (5-0) that it does not.

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 (5-0) that the proposed use would not conform with the uses in the area, 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 agreed (5-0) that the SUP does compete with the comprehensive plan.

**MOTION:** Harrington made motion to recommend approval to the County Board. Seconded by Lovin. Roll was called. Edwards-No; Harrington-No; Larson- No; Lovin- No; Wax-No. Motion does not pass. It will not be recommended.

**MOTION:** Edwards made motion, seconded by Harrington, to recommend to refer both cases heard today to the Plat Committee for further review, pursuant to Section 10 of the subdivision ordinance. On voice vote, all in favor and the motion carried.

Wax announced that all of these matters will be considered by the County Board after review by the Plat Committee.

**Public Comments** – One of the audience members stated that traffic has become an issue on that road, and that there have been accidents and many close calls. Water has been over the road in the area. He said area residents call the police when the crops are sprayed. Steve Koss presented a copy of the Right to Farm act to the ZBA.

**MOTION:** Harrington made motion, seconded by Edwards to adjourn. All in favor. The meeting was adjourned at 2:02 p.m.

Respectfully submitted,

Keri Nusbaum  
Piatt County Zoning Officer