

## Piatt County Zoning Board of Appeals

August 23, 2018 (revised)

### Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, August 23, 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, Jim Harrington, Kyle Lovin, States Attorney Dana Rhoades and Keri Nusbaum.

County Board members in attendance were: Al Manint, Ray Spencer, Randy Shumard, Robert Murrell, Renee Freundt, and Dale Lattz.

**MOTION:** Jim Harrington made motion, seconded by Kyle Lovin, to approve the minutes from July 26, 2018 as written. On voice vote, all in favor, motion carried.

### **New Business: SUP**

Nusbaum introduced the case to the ZBA. Jonathan Stranberg applied for a Special User Permit on April 16, 2018 to allow a second primary dwelling on one lot zoned RS in White Heath. The Findings of Fact were discussed and agreed upon by the Zoning Appeals Board on May 24, 2018 and the Board unanimously voted (5-0) to not recommend the approval of Jonathan Stranberg's request for Special Use Permit.

On June 13, 2018, the Piatt County Board considered the application and motion was made that the case be returned to the Zoning Board of Appeals for their consideration. The motion passed with 4 yes, 1 no, and 1 abstain.

Stranberg was sworn in. He submitted a letter signed by neighbors. He has no citizens objecting to his plan, and several in support of it. Mr. Stranberg address some of the zoning factors. He brought along Walter Powell to speak in support. Mr. Powell was sworn in and said that in his opinion Stranberg has improved the area by cleaning up these properties, and he allows the church to park there as well. Mr. Stranberg proposed a 15 year limit for the permit if that would help his cause. Mr. Stranberg answered questions from the board.

### **SUP FACTORS – Stranberg**

1. The existing uses and zoning of nearby property.  
The ZBA agreed that the surrounding properties are all Single Family dwellings, and the school.
2. The extent to which property values are diminished by the zoning restrictions imposed. The ZBA agreed (4-0) that the values are not diminished by the zoning restrictions.
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 (4-0) that there is 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 (4-0) that the improved property is a gain to the neighbors.
5. The suitability of the Applicant's property for the zoned purpose.

The ZBA members agreed that the property is suitable for the currently zoned purpose. The ZBA agreed (4-0) that the current zoning is suitable.

6. The length of time the Applicant's property has been vacant as presently zoned.  
The property is not vacant, there is a mobile home currently rented on the property.
7. 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.
8. 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 they have seen no evidence that the SUP would be injurious.
9. 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 there is no evidence that granting the SUP would impede the normal development or improvement of surrounding property
10. Are there adequate utilities, access roads, drainage, and other facilities if the SUP is granted? The ZBA agreed (4-0) that it appears there are adequate utilities, roads and drainage.
11. 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 is adequate ingress and egress.
12. Does the SUP conform to the regulations of the zoned district? The ZBA agreed (4-0) that the proposed SUP does not conform.
13. 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 there appears to be a need, and it appears to be an improvement.
14. 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 would not compete.

**MOTION:** Harrington made motion, seconded by Edwards to recommend the SUP to the County Board for their approval. Roll was called. Harrington- Yes; Edwards-Yes; Lovin-Yes; Wax-Yes. Motion carried.

**Text Amendment to Piatt Count Zoning Ordinance**

The text amendment to the ordinance was presented and the amendment was read aloud. The floor was opened for comments.

Wax told the assembly there would be a Solar 101 presentation by Geronimo Energy. Ben Adamovich presented handouts and a brief overview of solar farms in general.

There was discussion and comments from the audience.

Emily Zelhart from the Farm Bureau said that Farm Bureau has reviewed the proposed ordinance and are in favor of the ordinance as written and amended.

**MOTION:** Jerry Edwards made motion, seconded by Jim Harrington that the text amendment be recommended to the County Board for their approval. Roll was called. Edwards, Harrington, Lovin, Harrington – Yes. The motion carried.

**SUP for Minor Subdivision:**

Nusbaum read the application information for Greg and Kellie Hanselman who applied for a Special Use Permit for a residential subdivision on property zoned A1 located at 1034 Bucks Pond Road, Monticello. Greg Hanselman was sworn in. The Hanselman’s would like to sell two five acre lots for residential use from the approximately 34 acre parcel their home is located upon. There would be access to the lots via an easement on the existing private road. There is a low LESA score, and the property is not in agricultural production right now.

**SUP FACTORS – Hanselman**

1. The existing uses and zoning of nearby property.  
The area is residential and agricultural.
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 by the zoning restrictions imposed.
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 (4-0) there is 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 (4-0) that there is no hardship imposed.
5. The suitability of the Applicant’s property for the zoned purpose.  
The ZBA agreed (4-0) that the applicant’s property is suitable for the zoned purpose.
6. The length of time the Applicant’s property has been vacant as presently zoned.  
The ZBA agreed this question is not applicable.
7. 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.
8. 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 property in the immediate vicinity.

9. 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 the normal and orderly development and improvement of surrounding properties.

10. 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, access and facilities if the SUP is granted.

11. 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 no concerns about traffic congestion if the SUP is granted.

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

The ZBA agreed (4-0) that the SUP conforms to the regulations of the zoned district.

13. 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 SUP conforms to the regulations of the zoned district, and that there is not a public necessity for the special use. It is not taking anything out of production.

14. 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:** Jerry Edwards made motion, seconded by Kyle Lovin to recommend approval for a Special Use Permit for a minor residential subdivision to run with the land to the County Board. Roll was called. Edwards- Yes; Lovin-Yes; Harrington-Yes; Wax-Yes.

**SUP for Solar Energy System/Solar Farm:**

Nusbaum read the information for the application of 329 Frontier Piatt, LLC for a Community Solar Farm on A1 land owned by KC HERM LAND CO. located at 2240 North 375 East 2200 North Road, Deland IL. Alex Varcas and Kip Smith of Borrego Solar were sworn in by Chairman Loyd Wax. Bret Hermann, representing the land owner was sworn in. Varcas and Smith introduced the Borrego Solar company, and the proposal for a 4 MW Community Solar Garden on the subject property. They feel this is one of their best sites as far as location to a substation and high voltage power lines. They have conducted their due diligence study on the property. The location is 1600 feet off of the road, and a good distance from any residents. The benefits to the land owner, tax revenue to schools, townships, and fire departments were explained. The estimated tax revenue from this site is \$400,000. Subscribers can expect savings of 10-15% off their power bill. They are hoping to have all approvals prior to January 2019 when the Illinois Power Authority opens for project applications. Edwards asked about any

hazardous materials included in the project. There is only a small amount of lead. The materials are aluminum, plastic and silicone. Wax asked about hail damage. Panels can be replaced in the unlikely event of damage.

Kip Smith addressed details of the site. The panels would be on a tracker system with a max height of 8-9 feet. They plan a 14 foot gravel road for access, a 7 foot tall fence around the project with gates, with a no/low mow mix for their landscaping plan. They have had discussions already with the road commissioners, township commissioners, Deland Fire, drainage district commissioners and plan to work with them, although they have been unable to make contact with the Goose Creek road commissioner. There is a 15" drain tile they plan to replace and make new connections and have been working with the drainage district on those plans. Their plan does not include a planting screen because of the distance between the site and any buildings.

Several people in attendance had signed in and requested to speak. Phillip Floyd was sworn in and questioned why the panels were not being located closer to the substation. Smith answered that landowner had requested the panels be located at the proposed site to allow farming of the rest. He is concerned about a surface drainage problem. Per Smith the surface drainage would not be changed, but could be improved by the plantings.

Nusbaum read two letters which were submitted into evidence by Jeff Swartz (Swartz Farms) and James W. Swartz. Both cited concerns about the aesthetics, glare and location of the project. Jeff Swartz was sworn in and shared maps and photographs. He is concerned that crop material will be caught up in the proposed fence and create a detention pond. Varcas clarified that only approximately 27 acres of the 44 acres will be utilized. He addressed questions about the glare, and said a glare coating is applied to reduce glare which is approved by the FAA.

The ZBA considered the Zoning factors.

1. The existing uses and zoning of nearby property.  
The ZBA agreed that property in the area is A1 Agriculture.
2. The extent to which property values are diminished by the zoning restrictions imposed.  
The ZBA agreed that current restrictions do not diminish values.
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 is no reduction in the health, safety, morals or general welfare of the public.
4. The relative gain to the public as compared to the hardship imposed upon the Applicant and/or adjoining landowners.  
The ZBA agreed (4-0) there is a gain of potential savings in power bills for up to 650 households and substantial tax revenue to the county. There is not a hardship to the landowner, but a possibility of hardship to adjoining landowners. There is a set aside of farm ground temporarily, but it can be returned to farm use in the future, possibly in better condition.
5. The suitability of the Applicant's property for the zoned purpose.  
The ZBA agreed (4-0) that the property is suitable for the zoned purpose.
6. The length of time the Applicant's property has been vacant as presently zoned.  
The ZBA agreed this is not applicable.
1. Will granting the SUP be detrimental to the safety, comfort, or general welfare of the community?  
The ZBA agreed (4-0) that they have received a letter from adjacent landowners with concerns. however granting the SUP would not be detrimental to the broader 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 a neighbor feels their property values would be diminished, the applicant submitted evidence that property values are not diminished.
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 the project would not affect the agriculture use of surrounding property. However, drainage issues could affect the agricultural use.
4. Are there adequate utilities, access roads, drainage, and other facilities if the SUP is granted?  
The ZBA agreed (4-0) that utilities, roads and other facilities appear to be adequate. Drainage is an issue which should be addressed.
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 traffic congestion should not be an issue.
6. Does the SUP conform to the regulations of the zoned district?  
The ZBA agreed (4-0) that the use does not conform, thus the reason for request of 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 while there is State directive toward green energy, and people appreciate the idea of green energy, there is not a public outcry for solar energy.
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 voted (2 yes-2 no) that the project competes with the Comprehensive Plan.

The ZBA continued discussion. Wax questioned is this protecting or harming farmland? Edwards noted that in 20 years the landscape could be very different, including more housing, etc. Would the project be more palatable with more screening? Harrington questioned whether this site is a good fit.

**MOTION:** Edwards made motion, seconded by Harrington to recommend approval to the County Board with the condition that plant screening is added to preserve aesthetics and protect against reflection.

Prior to a vote being taken, the attorney from Borrego Solar asked for a recess. State's attorney Rhoades explained their options including to ask the application be withdrawn and re-submit, continue to the County Board for their vote, or ask that action be tabled.

Chairman Wax called for a 10 minute break while the applicants had discussion.

Borrego Solar asked that their application be tabled to allow them to address concerns and submit an updated site plan.

Jerry Edwards withdrew his motion, and Harrington withdrew his second.

**MOTION:** Harrington made motion, seconded by Kyle Lovin to table the application. Roll was called, all in favor and the motion carried.

**SUP for Solar Energy System/Solar Farm:**

Nusbaum read the information for the application of Madden Creek Solar, LLC for a Special Use Permit for a Community Solar Farm on A1 land located at 2840 N 1500 East, Mahomet.

Ben Adamovitch presented the proposal of Geronimo Energy for an up to 4 MW project. Geronimo has been operating in Illinois for 8 years. He notes that he understands there are nearby residential development, and they intend to address any issues that arise. There is a 10” drain tile on the property which has been broken for many years. They intend to repair the drain tile, which would benefit both Champaign and Piatt County residents. Wax questioned why there is a large difference between the two proposals for de-commissioning costs. Adamovitch responded that the estimate has to be re-submitted every 5 years, and they have a standard Midwest rate based on today’s dollars as required by the current Illinois state statutes. They propose a plant screening on the north and east sides of cardinal dogwood and arborvitae. A portion of the parcel is currently being farmed. Adamovitch proposed the replacement of the drain tile being a condition of the permit.

Nusbaum read an email received from a nearby land owner.

Chris Doenitz was sworn in. He owns farm ground in the area is concerned about the drainage, and water flow from the Northeast with debris clogging the fence or will remove the fence. He believes the 100 foot setback is not enough. He thinks the ZBA needs to be more stringent about the screening plants.

Tad Holmes was sworn in. His home is east of the site on the Champaign county side of the road. He is concerned about surface drainage to his property. He believes that property values will drop. There are 12 homes total in the area. He also believes the 100’ setback is not enough. He bought the property for the country view, and doesn’t want that ruined.

Douglas Gerrib was sworn in representing Sunrise Court neighbors. They are concerned that their property will be de-valued. They have drainage and road problems already. He said the screens are great, but it’s not enough. He wants to see corn, not industrial fence.

Adamovitch addressed the concerns regarding property values. He said there are multiple studies which show that these projects do not have an impact on property values. The project will not create additional traffic, it is a low impact development, and a quiet land use. They are willing to work with the neighbors regarding the road and drainage. Wax asked to clarify the height of the project. Adamovitch answered it could be up to 12-14’ tall, depending upon the racking. Gerrib said he feels it will not be any benefit to those in his neighborhood.

The ZBA discussed the zoning factors.

1. The existing uses and zoning of nearby property.  
The ZBA agreed that there is a mix of residential, agriculture and industrial.
2. The extent to which property values are diminished by the zoning restrictions imposed.  
The ZBA agreed that the values are not diminished by current zoning restrictions. It is farmed currently.
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.  
Not affected as currently zoned.
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 could be a small gain to the public, but no hardship.
5. The suitability of the Applicant’s property for the zoned purpose.  
The ZBA agreed that the property is farmable.
6. The length of time the Applicant’s property has been vacant as presently zoned.  
N/A

1. Will granting the SUP be detrimental to the safety, comfort, or general welfare of the community? The ZBA voted 2-2 that it would not be detrimental to the community as a whole.
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 voted 4-0 that the SUP could be injurious to properties in the immediate vicinity.
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 it would not impede the normal development and improvement.
4. Are there adequate utilities, access roads, drainage, and other facilities if the SUP is granted?  
The ZBA (4-0) agreed that there is adequate access, but there appears to be a drainage issue.
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 is adequate ingress and egress.
6. Does the SUP conform to the regulations of the zoned district?  
The ZBA agreed (4-0) that it does not, necessitating the SUP request.
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 that there are industrial uses existing in the area, and there is no clear 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 (4-0) that it is not strictly in harmony, as it would remove farm ground from production, although not permanently.

Ben Adamovitch said the company would be willing to pull back the setbacks of the site in the area of the cul-de-sac. After discussion, Adamovitch requested that the application be tabled in order to provide evidence that there can be no expected effect on property values, and address the drainage concerns as well.

**MOTION:** Harrington made motion, seconded by Lovin to table the application. Roll was called, all in favor and the motion carried.

Public Comments: None

**MOTION:** Edwards made motion, seconded by Harrington to adjourn. All in favor. The meeting was adjourned at 5:40 p.m.

Respectfully submitted,

Keri Nusbaum  
Piatt County Zoning Officer