

Piatt County Zoning Board of Appeals

November 15, 2018

Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, November 15, 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 Rhoades and Keri Nusbaum.

County Board members in attendance were: Ray Spencer, Robert Murrell, Renee Fruendt, and Dale Lattz.

**MOTION:** Edwards made motion, seconded by Harrington, to approve the minutes from October 25, 2018 as written. On voice vote, all in favor, motion carried.

**New Business:**

Samuel Brandenburg applied for a yardage variation to allow construction of a pole barn with a side setback of 1'. He farms the family farm. All of the surrounding property is part of the farm, but owned by other family members. Mr. Brandenburg is not in attendance.

The ZBA discussed the variation zoning factors.

**ZONING FACTORS- Samuel Brandenburg**

1. Will the proposed use compete with the current use of the land?  
No. The Zoning Board of Appeals agreed unanimously (5-0) 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 (5-0) that the proposed use will not diminish property values in the surrounding area.
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 (5-0) 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 (5-0) that denying the variance would not allow the property owner to properly store a larger quantity of hay.
5. Would granting the variance create a hardship for the surrounding property owners?  
No. The Zoning Board of Appeals agreed unanimously (5-0) that granting the application would not create a hardship for surrounding property owners. There were no objectors to the granting of the application.
6. Is the property suitable for its current use?

Yes. The Zoning Board of Appeals agreed unanimously (5-0) 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 (5-0) that the property is suitable for the proposed use.

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

No. The Zoning Board of Appeals agreed unanimously (5-0) that there were no objectors and there is no evidence 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 (5-0) that the property is not non-productive currently. It is a house and lot.

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

No. The Zoning Board of Appeals agreed unanimously (5-0) that the granting of this variance would not compete with the Piatt County Comprehensive Plan.

**MOTION:** Harrington made motion to recommend approval to the County Board. Seconded by Larson. Roll was called. Harrington- Yes; Edwards – Yes; Lovin- Yes; Wax- Yes. Motion carried. The county board will consider the matter at their December 12, 2018 meeting.

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

On June 4, 2018, USS Farmer City Solar LLC, acting for James W Warren, applied for a Special Use Permit for a Community Solar Garden for property zoned A1 Agriculture located at 844 E 3200 North Road, Farmer City, IL

The Findings of Fact were discussed and agreed upon by the Zoning Appeals Board on June 28, 2018 and the Board unanimously voted (4-0) to recommend the approval of USS Farmer City Solar LLC and James Warren’s request for Special Use Permit *with the stipulation that all requirements of the Piatt County Solar Ordinance will be met when the ordinance is approved and adopted.*

On July 11, 2018 the Piatt County Board tabled action on the matter until after the Text amendment for Solar Ordinance could be considered. The Text amendment for Solar Ordinance was adopted by the Piatt County Board on September 12, 2018.

On October 10, 2018 the Piatt County Board voted to return the application to the Zoning Board of Appeals for review.

Nathan Wozniak was sworn in. He works for US Solar, and is a representative of USS Farmer City Solar LLC. He outlined the 3.2 megawatt project proposal. He said that while the current plan shows one access road off of 3200 North they would be willing to move the access road to off of 900 East if necessary. Edwards asked how close to the bridge the proposed access road is. Wozniak clarified the location. Edwards said that the road commissioner would advise them. A road agreement with the township is required for a building permit. Wax asked about the costs of the decommissioning plan. The plan is outlined in detail, but the specific dollar amounts are not. The landowner, Mr. Warren, stated that the proposed plan was fine with him.

Sandra Smith was sworn in and asked several questions regarding the application of USS Farmer City Solar, LLC. She objected to the SUP running with the land.

States Attorney Rhoades said that the ZBA makes the recommendations as to whether the SUP runs with the applicant or the land.

Smith said the parcel was 40 acres and it appears the solar farm would use only 24 acres. She objects to the SUP being granted to the parcel and to the applicant, since US Solar can transfer the project.

Wozniak pointed out that if the project changes hands, the AIMA requires notification.

The ZBA considered the factors again.

**Factors – 329 Frontier Piatt LLC**

1. The existing uses and zoning of nearby property.  
The ZBA agreed (5-0) 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 (5-0) 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 (5-0) that there is no gain to the public, and no hardship to the Applicant.
  5. The suitability of the Applicant's property for the zoned purpose.  
The ZBA agreed (5-0) 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 (5-0) that the property has been in test plots, and not vacant.
1. Will granting the SUP be detrimental to the safety, comfort, or general welfare of the community?  
The ZBA agreed (5-0) 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 (5-0) 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 (5-0) 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 (5-0) 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 (5-0) that there are adequate measures in place.

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

The ZBA agreed (5-0) that the SUP does not conform to the regulations of the zoned district, indicating 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.

Yes. The ZBA agreed (5-0) that the SUP does conform and that there is 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. 2 Members (Wax, Edwards) voted that the SUP would not compete. 3 members (Larson, Harrington, and Lovin) voted that it would compete. All members (5-0) voted it is in harmony with the goals.

**Motion:** Edwards made motion, seconded by Larson, to recommend approval to the County Board with the following conditions: The special use will run with the land, if there is a change in the ownership of the array or of the land the county will be notified, the arrays will be placed as represented on the site plan, a detailed decommissioning plan as required by Article X of the Piatt County ordinance will be presented to the County Board, they will supply proof of notification of the local drainage district if applicable. Roll was called: All in favor (5-0).

Public Comments: None

**MOTION:** Harrington made motion, seconded by Lovin to adjourn. All in favor and the meeting adjourned at 2:15 p.m.

Respectfully submitted,

Keri Nusbaum  
Piatt County Zoning Officer