

Piatt County
Zoning Board of Appeals

February 28, 2019

Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, February 28, 2019 in Room 104 of the Courthouse. Vice Chairman Jerry Edwards called the meeting to order. The roll was read and Nusbaum announced there was a quorum. Attending were: Jerry Edwards, Kyle Lovin, Bruce Stoddard and Keri Nusbaum.

County Board members in attendance were: Ray Spencer, Randy Shumard, Robert Murrell, Dale Lattz and Shannon Carroll.

MOTION: Kyle Lovin made motion, seconded by Bruce Stoddard, to approve the minutes from December 20, 2018 as written. On voice vote, all in favor, motion carried.

New Business: Variation

On January 17, 2019 Wayne Seifert applied for a variation to allow for the sale and residential use of approximately 2.4 acres of AC Agriculture Conservation land located at 1414 River Bend Lane, White Heath. Wayne Seifert was sworn in. He purchased the land in 1991 and operated a Christmas tree farm which at one point had 9500 trees. He is no longer selling trees. He would like to sell the east 2.4 acres so that someone else can enjoy Piatt County living. Edwards asked Seifert how many residences there are in the area. Seifert explained that other lots have been subdivided previously, one into five 1 acre lots which now has 2 homes.

Jan Gurga who resides at 1420 Riverbend Lane was sworn in. She is an adjacent land owner. She submitted a letter to the ZBA members, signed by some of the residents of the area. The road is maintained by a voluntary lane agreement.

The ZBA members considered the Variation Zoning Factors.

VARIATION ZONING FACTORS Seifert 2-28-19

1. Will the proposed use compete with the current use of the land?
The ZBA agreed (3-0) 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?
The ZBA agreed (3-0) that there is no evidence that the property values would be diminished, although neighbors in attendance believed so.
3. Would a denial of the variance promote the health, safety and general welfare of the public?
The ZBA agreed (3-0) that the 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?
The ZBA agreed (3-0) that denying the variance would not create a hardship for the landowner.
5. Would granting the variance create a hardship for the surrounding property owners?
The ZBA agreed (3-0) that there is some evidence that granting the variance could possibly create a hardship for the surrounding property owners.

6. Is the property suitable for its current use?
The ZBA agreed (3-0) that the property is suitable for the current use.
7. Is the property suitable for the proposed use?
The ZBA agreed (3-0) that the property is suitable for the proposed use.
8. Is there a community need to deny the variance?
The ZBA agreed (3-0) that the neighbors are against the proposed sale and residential use of the land.
9. Is the subject property non-productive with its current use?
The ZBA agreed (3-0) that the property is not in production, but the area is in residential use currently.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?
The ZBA agreed (3-0) that it would be in competition with the plan, because there is no infrastructure, plat or other requirements in place for a subdivision.

MOTION Stoddard made motion to recommend the variation to the County Board for approval. Lovin seconds. Roll was called; Stoddard – No; Lovin – No; Edwards – No. The motion did not pass and the ZBA did not recommend the variation for approval

Public Comments: None

MOTION: Lovin made motion, seconded by Stoddard to adjourn. All in favor. The meeting was adjourned at 1:26 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer