

Piatt County  
Zoning Board of Appeals

March 28, 2019

Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, March 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, Jim Harrington, Dan Larson, Bruce Stoddard, States Attorney Dana Rhoades and Keri Nusbaum. County Board members in attendance were: Ray Spencer, Randy Shumard, Robert Murrell, and Shannon Carroll.

**MOTION:** Kyle Lovin made motion, seconded by Jim Harrington, to approve the minutes from February 28, 2019 as written. On voice vote, all in favor, motion carried.

**New Business: Variation- Kim Baker**

On February 22, 2019 Kim L. Baker filed an application for Variation to allow for the sale and residential use of 5.95 acre parcel of A1 agriculture land located at 1473 N 300 East Road, Cisco. Kim L. Baker was sworn in by Vice Chairman Edwards. Mr. Baker lives across the street from the property. His wife and sister owned the two 5.95 acre lots across the street. His niece lives on one. They intended to build on the other lot, but now don't want to do that. He now has a buyer interested, and they would like to sell it. The property is bordered on two sides by a creek. It is wooded and not suitable for farming. The NRI/LESA report score is 241.7. The board considered the variation factors.

**VARIATION ZONING FACTORS- Kim L Baker**

1. Will the proposed use compete with the current use of the land?  
No. The ZBA agreed (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 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?  
No. The ZBA agreed (5-0) 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?  
No. The ZBA agreed (5-0) that denial of the variance would not create a hardship.
5. Would granting the variance create a hardship for the surrounding property owners?  
No. The ZBA agreed (5-0) 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?  
Yes. The ZBA agreed (5-0) that the property is suitable for its current use.
7. Is the property suitable for the proposed use?  
Yes. The ZBA agreed (5-0) that the property is suitable for the proposed use
8. Is there a community need to deny the variance?  
No. The ZBA agreed (5-0) that there is no evidence of a community need to deny the variance.
9. Is the subject property non-productive with its current use?  
Yes. 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 not compete with the comprehensive plan.

**MOTION** Stoddard made motion to recommend the variation to the County Board for approval. Lovin seconds. Roll was called; Stoddard – Yes; Lovin – Yes; Edwards – Yes; Larson – Yes; Harrington – Yes. The motion carries and the variation is recommended to the County Board.

**Variation- Jena Clifton**

On March 7, 2019 Jena I. Clifton, Daniel Clifton, and Cindy Darnell applied for a Variation to allow construction of two single family dwellings on one 46.93 acre parcel of AC Agriculture land. Jena Clifton was sworn in. The property is owned by three family members, and two of the members would like to build their homes there. They would share an existing driveway. They do not wish to separate the property into separate parcels. Ms. Clifton provided the board members with the plan of the smaller of the dwellings. Ms. Clifton has had septic contractors look at the property to confirm they could site two septic systems. Stoddard expressed concern that they might need to request another variation for lending purposes. That will not be necessary. The board asked about plans to sell the smaller house separately in the future when it is not needed. Ms. Darnell said they would not sell it, but use it as a guest house or other use, as they do not wish to split up the property. The zoning board confirmed that the variation will run with the land, and the applicants confirmed they understood.

**VARIATION ZONING FACTORS- Clifton Darnell**

1. Will the proposed use compete with the current use of the land?  
No. The ZBA agreed (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 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?  
No. The ZBA agreed (5-0) 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?  
No. The ZBA voted (4-1) that denial of the variance would not create a hardship. Edwards, Larson, Lovin, Harrington- Would not create a hardship; Stoddard – Would create a hardship.
5. Would granting the variance create a hardship for the surrounding property owners?  
No. The ZBA agreed (5-0) 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?  
Yes. The ZBA agreed (5-0) that the property is suitable for its current use.
7. Is the property suitable for the proposed use?  
Yes. The ZBA agreed (5-0) that the property is suitable for the proposed use
8. Is there a community need to deny the variance?  
No. The ZBA agreed (5-0) that there is no evidence of a community need to deny the variance.
9. Is the subject property non-productive with its current use?  
Yes. 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 not compete with the comprehensive plan.

**MOTION:** Larson made motion, seconded by Harrington to recommend approval to the County Board. Roll was called: All in favor and the motion passed. The application is recommended for approval.

The County Board will consider the application at their next regular meeting on April 10, 2019.

**Public Comments:** None

**MOTION:** Harrington made motion, seconded by Lovin to adjourn. All in favor. The meeting was adjourned at 1:34 p.m.

Respectfully submitted,

Keri Nusbaum  
Piatt County Zoning Officer