

Piatt County
Zoning Board of Appeals

May 23, 2019

Minutes

The Piatt County Zoning Board of Appeals met at 7:00 p.m. on Thursday, May 23, 2019 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, Kyle Lovin, Jim Harrington, Dan Larson, States Attorney Dana Rhoades, Assistant States Attorney Elizabeth Dobson and Keri Nusbaum. County Board members in attendance were: Ray Spencer, Renee Freundt, and Dale Lattz.

MOTION: Kyle Lovin made motion, seconded by Dan Larson to approve the minutes from March 28, 2019 as written. On voice vote, all in favor, motion carried.

New Business: Variation- Allen Everette

The Piatt County Board referred a request for a corrected ordinance to the ZBA for review. The original ordinance for A-1 Agriculture property located at 1441 CR 2250 North was recommended by the ZBA on May 24, 2018. Bill Tracy, attorney representing Mr. Everette, outlined the changes in the minor subdivision plat. Allen Everette was sworn in by Chairman Wax. He explained the events leading to the changes. The buyers who originally planned to purchase the 10 acre tract backed out, and he would now like to give his children 10 acres rather than 5. His building lot will still be 5 acres, but the legal description has changed. Wax questioned the existing easements. There are no objectors and States Attorney Rhoades suggested the ZBA take judicial notice of the zoning factors from the hearing last year.

MOTION: Dan Larson made motion to approve taking judicial notice of the zoning factors of May 24, 2018. Seconded by Jerry Edwards. Roll was called. Larson-Yes; Edwards – Yes; Harrington-Yes; Lovin-Yes; Wax-Yes. All in favor and the variation is recommended to the County Board.

Variation- McClure

On April 10, 2019 James McClure applied for a variation to construct grain storage facilities with exemptions to height regulations on 5.018 acres of A-1 Agriculture land located at 2700 North 1200 East Road, Mansfield IL. Jim McClure was sworn in by Chairman Loyd Wax. Mr. McClure and his son farm together in the Mansfield/Farmer City area. They have a machine shed and two smaller grain bins existing on the parcel. He requests a variation to allow a bin over 45' in height to be constructed and that the variation be with the property so that he could build more grain bins in the future without further variance. Mr. McClure answered questions regarding neighboring properties, and location of electric lines.

The ZBA members considered the zoning factors.

VARIATION ZONING FACTORS

1. Will the proposed use compete with the current use of the land?
No; The ZBA agreed unanimously (5-0) that the proposed use would not compete with the current use.

2. Will the proposed use diminish property values in surrounding areas?
No; The ZBA agreed unanimously (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 unanimously (5-0) that there is no evidence that a denial would promote the health safety, or general welfare of the public.
4. Would denying the variance create a hardship for the landowner?
The ZBA agreed (5-0) that there would be a possible hardship for the landowner.
5. Would granting the variance create a hardship for the surrounding property owners?
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 agriculture use.
7. Is the property suitable for the proposed use?
Yes; The ZBA agreed (5-0) that the property is suitable for agriculture use.
8. Is there a community need to deny the variance?
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?
The ZBA agreed (5-0) that the property is not in production.
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 Piatt County Comprehensive Plan.

MOTION Jim Harrington made motion to recommend the variation to the County Board for approval. Lovin seconds. Roll was called; Harrington – Yes; Lovin – Yes; Edwards – Yes; Larson – Yes; Wax - Yes. All in favor. The motion carries and the variation is recommended to the County Board. The ZBA members considered the zoning factors.

The County Board will consider both matters at their next regular meeting on June 12, 2019 at 9 a.m.

Public Comments: None

MOTION: Harrington made motion, seconded by Lovin to adjourn. All in favor. The meeting was adjourned at 7:27 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer