

Piatt County  
Zoning Board of Appeals

July 25, 2019

Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, July 25, 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, Jim Harrington, Kyle Lovin, States Attorney Dana Rhoades and Keri Nusbaum.

County Board members in attendance were: Ray Spencer, Renee Freundt, Shannon Carroll and Dale Lattz.

**MOTION:** Jim Harrington made motion, seconded by Kyle Lovin to approve the minutes from May 23, 2019 as written. On voice vote, all in favor, motion carried.

**New Business: Variation- Peter and Mackenzie Klein**

Peter and Mackenzie Klein applied for a variation to allow the separation of a 3.04 acre parcel of A-1 Agriculture land to construct a new single family home. The Klein's own a 80 acre parcel, but wish to get a mortgage on a home on 3.04 acres. No one was in attendance to speak to the board for the applicant regarding the application.

The Zoning Board considered the variation factors.

**VARIATION ZONING FACTORS-Klein**

1. Will the proposed use compete with the current use of the land?  
No. The ZBA agreed (4-0) 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 (4-0) that there is no evidence that the proposed use would diminish property values
3. Would a denial of the variance promote the health, safety and general welfare of the public?  
No. The ZBA agreed (4-0) 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?  
Yes. The ZBA agreed (4-0) that a denial would create a hardship for the landowner.
5. Would granting the variance create a hardship for the surrounding property owners?  
No. The ZBA agreed (4-0) that granting the variance would not create a hardship for the surrounding property owners.
6. Is the property suitable for its current use?  
Yes. The ZBA agreed (4-0) that the property is suitable for its current use.

7. Is the property suitable for the proposed use?  
Yes. The ZBA agreed (4-0) that the property is suitable for the proposed use.
8. Is there a community need to deny the variance?  
No. The ZBA agreed (4-0) that there is not a community need to deny the variance.
9. Is the subject property non-productive with its current use?  
The ZBA agreed (4-0) that the property is farm ground.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?  
No. The ZBA agreed (4-0) that granting the variance would not compete with the Piatt County Comprehensive Plan.

**MOTION:** Edwards made motion, seconded by Harrington to recommend approval to the County Board. Roll was called. Edwards – yes, Harrington- Yes, Lovin-Yes, Wax-Yes. All in favor and the variation is recommended to the County Board.

The County Board will consider the matter on August 14 at 9 a.m.

**Amendment of Zoning Classification – C.Pontius**

Christina Pontius applied for an amendment of zoning classification for 6.50 acres of A-1 Agriculture land to be amended to B-1. The Sangamon Township is in negotiations to purchase the property for the purposes of expanding the White Heath ballpark and add parking. No one was present to represent the applicant. Mike Nolan and Bill Blickham were sworn in, and they represent the buyers, Sangamon Township. There were no objectors in attendance. The ZBA members considered the zoning factors.

**ZONING FACTORS- C. Pontius**

1. Does the current special use restriction promote the health, safety, morals, or general welfare of the public?  
No. The ZBA agreed (4-0) that the current zoning restriction does not promote the health, safety, morals or general welfare of the public.
2. Will granting the special use be injurious to the use and enjoyment of other property within the immediate vicinity?  
No. The ZBA agreed (4-0) that there is no evidence that granting the zoning amendment would be injurious to the use and enjoyment of other property within the immediate vicinity.
3. Will granting the special use diminish property values of other property within the immediate vicinity?  
The ZBA agreed (4-0) that there is no evidence that granting the zoning amendment would diminish property values within the immediate vicinity.
4. Is there adequate infrastructure to accommodate the special use, if granted (i.e. roads, utilities, drainage)?  
Yes. The ZBA agreed (4-0) that there is adequate infrastructure.
5. Would the special use, if granted, be in harmony with the overall comprehensive plan of the county?

Yes. The ZBA agreed (4-0) that the proposed zoning would be in harmony with the comprehensive plan.

6. Would the special use, if granted, compete with or impede the existing zoned uses of other property within the zone?

No. The ZBA agreed (4-0) that the zoning amendment would not compete with or impede the existing zoned uses of other property.

7. Would the special use, if granted, create a hardship on other landowners within the zone?

No. The ZBA agreed (4-0) that granting the zoning classification amendment would not create a hardship on other landowners within the zone.

8. Would denying the special use create a hardship on the applicant?

No. The ZBA agreed that it would not create a hardship but the benefits of the proposal outweigh anything objectionable.

9. Is the subject land suitable for the special use and is the subject land suitable for the current zoned use?

Yes. The ZBA agreed (4-0) that the land is suitable for the proposed zoning and the proposed zoning and use.

10. Would the special use, if granted, have a harmful impact upon the soil?

No. The ZBA agreed (4-0) that the proposed zoning and use would not have a harmful impact on the soil.

11. What is the Land Evaluation and Site Assessment (LESA) rating for the subject land?

The ZBA agreed that this is not applicable. There will be no buildings constructed.

**Motion:** Harrington made motion to recommend to the County Board that the zoning classification be changed from A-1 to B-1. Kyle Lovin seconds. Roll was called. Harrington-Yes, Lovin- Yes, Edwards – Yes, Wax – Yes. Motion carried.

### **Amendment of Zoning Classification – Richard Pontius/Nancee Moster**

Richard Pontius and Nancee Moster applied for an amendment of zoning classification for 4.64 acres of A-1 Agriculture land to be amended to B-1. The Sangamon Township is in negotiations to purchase the property for the purposes of expanding the White Heath ballpark and add parking. No one was present to represent the applicant. Mike Nolan and Bill Blickham were previously sworn in, and they represent the buyers, Sangamon Township. There were no objectors in attendance. The ZBA members considered the zoning factors.

### **ZONING FACTORS- R. Pontius/Moster**

1. Does the current special use restriction promote the health, safety, morals, or general welfare of the public?

No. The ZBA agreed (4-0) that the current zoning restriction does not promote the health, safety, morals or general welfare of the public.

2. Will granting the special use be injurious to the use and enjoyment of other property within the immediate vicinity?  
No. The ZBA agreed (4-0) that there is no evidence that granting the zoning amendment would be injurious to the use and enjoyment of other property within the immediate vicinity.
3. Will granting the special use diminish property values of other property within the immediate vicinity?  
The ZBA agreed (4-0) that there is no evidence that granting the zoning amendment would diminish property values within the immediate vicinity.
4. Is there adequate infrastructure to accommodate the special use, if granted (i.e. roads, utilities, drainage)?  
Yes. The ZBA agreed (4-0) that there is adequate infrastructure.
5. Would the special use, if granted, be in harmony with the overall comprehensive plan of the county?  
Yes. The ZBA agreed (4-0) that the proposed zoning would be in harmony with the comprehensive plan.
6. Would the special use, if granted, compete with or impede the existing zoned uses of other property within the zone?  
No. The ZBA agreed (4-0) that the zoning amendment would not compete with or impede the existing zoned uses of other property.
7. Would the special use, if granted, create a hardship on other landowners within the zone?  
No. The ZBA agreed (4-0) that granting the zoning classification amendment would not create a hardship on other landowners within the zone.
8. Would denying the special use create a hardship on the applicant?  
No. The ZBA agreed that it would not create a hardship but the benefits of the proposal outweigh anything objectionable.
9. Is the subject land suitable for the special use and is the subject land suitable for the current zoned use?  
Yes. The ZBA agreed (4-0) that the land is suitable for the proposed zoning and the proposed zoning and use.
10. Would the special use, if granted, have a harmful impact upon the soil?  
No. The ZBA agreed (4-0) that the proposed zoning and use would not have a harmful impact on the soil.
11. What is the Land Evaluation and Site Assessment (LESA) rating for the subject land?  
The ZBA agreed that this is not applicable. There will be no buildings constructed.

**MOTION** Jim Harrington made motion to recommend the variation to the County Board for approval. Kyle 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 August 14, 2019 at 9 a.m.

**Public Comments:** Mike Nolan thanked the ZBA members for their time.

**MOTION:** Edwards made motion, seconded by Lovin to adjourn. All in favor. The meeting was adjourned at 1:40 p.m.

Respectfully submitted,

Keri Nusbaum  
Piatt County Zoning Officer