

Piatt County
Zoning Board of Appeals

April 23, 2020
Minutes

The Piatt County Zoning Board of Appeals met at 7:00 p.m. on Thursday, April 23, 2020 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, Ray Spencer and Nusbaum in the courthouse. Jerry Edwards, Kyle Lovin, Dan Larson attended via Zoom due to the Governors order regarding the Covid 19 Pandemic. County Board members in attendance via Zoom were Randy Shumard, and Dale Lattz. Also attending was Steve Hoffman.

MOTION: Lovin made motion, seconded by Edwards to approve the minutes from February 27, 2020 as written. On voice vote, all in favor, motion carried.

New Business: Variation

Diane Musumeci was sworn in. (attending via Zoom). They applied for a yard variation to allow construction of a 20' x 24' metal shed approximately 36' from the rear property line and 12.5' from the side property line for their home located at 1376 E 2250 North Road, White Heath. Piatt County zoning ordinance requires a 50 foot rear setback line and a 25 foot side setback line in the AC zoning district. There were no objectors. The shed will be for storage only. The ZBA considered the zoning factors.

VARIATION ZONING FACTORS- Musumeci 4-23-2020

1. Will the proposed use compete with the current use of the land?
The ZBA agreed (4-0) that the proposed use does not compete with the current use.
2. Will the proposed use diminish property values in surrounding areas?
The ZBA agreed (4-0) 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?
The ZBA agreed (4-0) that there is no evidence that a denial of the variance would promote the health, safety or welfare of the public.
4. Would denying the variance create a hardship for the landowner?
The ZBA agreed (4-0) that denial would not create a true hardship. It would create an inconvenience.
5. Would granting the variance create a hardship for the surrounding property owners?
The ZBA agreed (4-0) 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?
The ZBA agreed (4-0) that the property is suitable for its current use.

7. Is the property suitable for the proposed use?
The ZBA agreed (4-0) that the property is suitable for the proposed use.
8. Is there a community need to deny the variance?
The ZBA agreed (4-0) 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 (4-0) that the subject property is currently a homesite.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?
The ZBA agreed (4-0) that granting the variance would not compete with the comprehensive plan.

MOTION: Lovin made motion, seconded by Edwards to recommend approval to the County Board for their consideration. Roll was called. Lovin– Yes, Larson – Yes; Edwards – Yes; Wax – Yes. All in favor.

The County Board will consider the matter at their next regular meeting on May 13, 2020 at 7 p.m.

Application for Special Use

Charles Demirjian was sworn in (attending via Zoom) He is acting for Medthos LLC and the Simone Family Trust and applied for a Special Use Permit for a Cannabis Craft Grow facility under the guidelines of the state act. It is to be located on a 5 acre tract of A1 agriculture land located at 3245 N 1100 East Road, Mansfield. The facility would have a total of 19,000 sq. ft of space including all growing space, offices, and processing. The state licenses have requirements and limits of volume of plants in certain stages of growth. The facility is completely indoors. They will grow only for medicinal and healthcare dispensaries. It would have a perimeter fence with 24 hours on site security. There are approximately 40 licenses available this time. The architect, chief horticulturist and COO were also available for questions.

Jerry Edwards voiced concerns about the virtual format for this application. He has heard from landowners that have concerns and are unable to use the technology to join the meeting. Larson agreed there are limits to the format. Mr. Demirjian offered screen sharing.

Lovin asked about capacity. Mr. Demirjian answered they will be able to produce approximately 50,000 ounces per year. They are a grow only facility. They have a neuroscientist and a PHD pharmacologist on staff as well.

Merv Peters was sworn in. (attending via Zoom) He owns property nearby and is concerned about conflicts with building wind turbines on his ground. He said Geronimo Energy would not be willing to locate a turbine close by, and a farm with a turbine is worth more than without. He is also concerned about security as he has had vandalism. He is worried about dicamba drift issues. He learned of this hearing late, as his notice was returned by the mail service.

Mr. Demirjian responded they also have information regarding wind turbines that it will not impact the placement of towers. The remainder of their property is being considered for wind as well. Chemical drift will not be an issue, as the building is fully enclosed, and will be organic. The remainder of the property is currently in corn and soy production. The building will not be open to the public, so will not attract any traffic other than workers.

Greg Johnson was sworn in. (attending via phone). He owns land and lives nearby. He is concerned about security, as he says they have little police presence in that area of the county. He also said more landowners should have been notified, not just those required by law.

ZONING FACTORS- Demirjian 4-23-20

- 1 Does the current special use restriction promote the health, safety, morals, or general welfare of the public?
The ZBA agreed 4-0 that the current use does promote the health, safety, morals or general welfare as it is farm ground.
- 2 Will granting the special use be injurious to the use and enjoyment of other property within the immediate vicinity?
2 ZBA members felt the special use would not be injurious. 2 ZBA members noted that other landowners had concerns.
- 3 Will granting the special use diminish property values of other property within the immediate vicinity?
The ZBA voted 3-1 that there is no evidence the property values would be diminished.
- 4 Is there adequate infrastructure to accommodate the special use, if granted (i.e. roads, utilities, drainage)?
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?
The ZBA agreed 4-0 that the use would be in harmony.
- 6 Would the special use, if granted, compete with or impede the existing zoned uses of other property within the zone?
The ZBA agreed 4-0 that the use would not compete with existing zoned uses.
- 7 Would the special use, if granted, create a hardship on other landowners within the zone?
The ZBA agreed 4-0 that there is no evidence of hardship, but there are definitely people against it.
- 8 Would denying the special use create a hardship on the applicant?
The ZBA agreed 4-0 there would be no hardship.

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

The ZBA agreed 4-0 that the land is suitable.

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

The ZBA agreed 4-0 that the 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?
260.8

MOTION: Edwards made motion, seconded by Larson to table the application until the board can meet for a larger group in a face to face meeting. Roll was called: Edwards – Yes; Larson- Yes; Lovin – Yes; Wax – Yes. The motion carried.

Public Comments: Peters thanked the ZBA members. Spencer confirmed that County board members Dale Lattz, Randy Shumard are on the call.

MOTION: Lovin made motion, seconded by Larson to adjourn. On voice vote, all in favor. The meeting adjourned at 8:01 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer