

Piatt County
Zoning Board of Appeals

May 28, 2020
Minutes

The Piatt County Zoning Board of Appeals met at 7:00 p.m. on Thursday, May 28, 2020 in Room 104 of the Courthouse and via Zoom. Chairman Loyd Wax called the meeting to order. The roll was read and Nusbaum announced there was a quorum. Attending were: Wax, Ray Spencer, Jerry Edwards and Nusbaum in the courthouse. Kyle Lovin attended via Zoom.

County Board members in attendance via Zoom were Shannon Carroll, Renee Freundt and Dale Lattz. Also attending was Steve Hoffman.

MOTION: Edwards made motion, seconded by Lovin to approve the minutes from April 23, 2020 as written. On voice vote, all in favor, motion carried.

New Business: Variation

Tim Menacher was sworn in. He applied for a yard variation to allow the construction of a 54' x 90' shed 25 feet from the road on a 71.76 acre parcel of A1 Agricultural land located at 1473 E 2350 North Road, White Heath. There is a high bank on the road, so he doesn't think the shed being located closer will pose a hazard. There were no objections. The ZBA members considered the zoning factors.

VARIATION ZONING FACTORS- Menacher 5-28-2020

1. Will the proposed use compete with the current use of the land?
The ZBA agreed (3-0) 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 (3-0) 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 (3-0) 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 (3-0) 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 (3-0) 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 (3-0) that the property is suitable for its 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 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 (3-0) that the subject property is currently pasture. It is non-productive.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?
The ZBA agreed (3-0) that granting the variance would not compete with the comprehensive plan.

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

The County Board will consider the matter at their next regular meeting on June 10, 2020 at 9 a.m.

Application for Special Use

TJ Shambaugh IV was sworn in. He applied for a Special Use Permit with variations for height to allow construction of grain storage facilities with variation exemptions to height regulations on A1 Agriculture land located at 856 North Highway 32, Cerro Gordo. There were no objections. The ZBA members considered the SUP zoning factors.

ZONING FACTORS -Shambaugh

1. Does the current special use restriction promote the health, safety, morals, or general welfare of the public?
The ZBA agreed (3-0) that the property is zoned A-1 agriculture which supports its current use.
2. Will granting the special use be injurious to the use and enjoyment of other property within the immediate vicinity?
The ZBA agreed (3-0) that granting the SUP would not be injurious to the use and enjoyment of other properties in the vicinity.
3. Will granting the special use diminish property values of other property within the immediate vicinity?
The ZBA agreed (3-0) that there is no evidence that granting the special use would diminish property values of other property in the immediate vicinity.

4. Is there adequate infrastructure to accommodate the special use, if granted (i.e. roads, utilities, drainage)?
Yes. The ZBA agreed (3-0) 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 (3-0) 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 (3-0) that there is no evidence that the special use, if granted would impede or compete with the zoned use of other property within the zone.
7. Would the special use, if granted, create a hardship on other landowners within the zone?
The ZBA agreed (3-0) that there is no evidence that the special use, if granted would create a hardship on other landowners in the zone.
8. Would denying the special use create a hardship on the applicant?
Yes. The ZBA agreed (3-0) that denying the special use would create a hardship.
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 (3-0) that the land is suitable for both the current use and the special use.
10. Would the special use, if granted, have a harmful impact upon the soil?
No. The ZBA agreed (3-0) that the special 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 LESA score is 227.7

MOTION: Edwards made motion, seconded by Lovin to recommend approval to the County Board. Roll was called. Edwards – Yes, Lovin – Yes, Wax – Yes. The motion carried.

The County Board will consider the matter at the June 10, 2020 meeting.

The next item on the agenda was discussion of how to move forward with the WECS ordinance review. The members of the ZBA are not clear if they are to start from scratch, consider only the amendments they did not recommend to the board previously, or reconsider all the amendments.

MOTION: Edwards made motion, seconded by Lovin to ask the County Board for more clarification and direction as to exactly what the ZBA is to reconsider. Roll was called. Edwards – Yes, Lovin – Yes, Wax – Yes. The motion carried.

Public Comments: David Olinger thanked the ZBA for their work. Alan Moore shared his opinion that that all the amendments were to be reviewed. Jane Evans said that the WECS ordinance as written is a good one and that she supports the Goose Creek Wind project.

MOTION: Edwards made motion, seconded by Lovin to adjourn. On voice vote, all in favor. The meeting adjourned at 7:42 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer