

Piatt County
Zoning Board of Appeals

June 24, 2021
Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, June 24, 2021 in Room 104 of the Courthouse. Chairman Loyd Wax called the meeting to order. The roll was read. Attending were: Wax, William Chambers, Bruce Stoddard and Keri Nusbaum.

ZBA members absent: Jim Harrington, Kyle Lovin, Dan Larson.

County Board members in attendance: Ray Spencer, Jerry Edwards, Randy Shumard, Shannon Carroll.

MOTION: Chambers made motion, seconded by Stoddard to approve the minutes from April 29, 2021, as written. On voice vote, all in favor and the minutes were approved.

New Business:

Topflight Grain Cooperative Inc. applied for an amendment of zoning classification for 10.2 acres of land located at 106 S Main, Pierson Station. The land is currently zoned A-1 and RS and the request is to change the zoning to I-1 to match the adjacent existing facility. They also request a variation for setbacks and height restrictions. Eric Clements, operations manager was sworn in and explained the reasons for their request. Kyle Johnson, a board member was sworn in and explained that the project would include a paved road and trees to screen the property from neighbors. Bill Schable was sworn in and said there have been no updates to the facility since 1994 and they are needed. Terry Hammer was sworn in. He owns property adjacent and is concerned about dust and noise from the proposed road. The ZBA members considered the factors.

ZONING FACTORS- Topflight '21

1. Does the current special use restriction promote the health, safety, morals, or general welfare of the public? Yes. The ZBA agreed 3-0 that it does.
2. Will granting the SUP (project) be detrimental to the safety, comfort, or general welfare of the community? No. The ZBA agreed (3-0) the proposed changes will be safer with better traffic flow.
3. Will granting the special use be injurious to the use and enjoyment of other property within the immediate vicinity? No. The ZBA agreed (3-0) it will not be injurious.
4. Will granting the special use diminish property values of other property within the immediate vicinity? No. The ZBA agreed 3-0 there is no evidence that it would diminish property values.

5. 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 in the plan.
6. Are there adequate measures to provide ingress and egress to minimize traffic congestion in the public streets if the SUP is granted? Yes. The ZBA agreed (3-0) that there are adequate measures.
7. 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 used would be in harmony with the comprehensive plan.
8. Would the special use, if granted, compete with or impede the existing zoned uses of other property within the zone? No. The ZBA agreed (3-0) that the project would not impede with the existing zoned uses.
9. Would the special use, if granted, create a hardship on other landowners within the zone? No. The ZBA agreed (3-0) that it would not.
10. Would denying the special use create a hardship on the applicant? Yes. The ZBA agreed (3-0) that it would create a hardship for the applicant.
11. 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 the current and proposed use.
12. Is the applicant's property, as presently zoned, vacant? If so, how long has it been vacant? Yes. The ZBA agreed (3-0) that the property has been crop land for many years.
13. Would the special use, if granted, have a harmful impact upon the soil?
The ZBA agreed (3-0) that it would not have a harmful impact.
14. What is the Land Evaluation and Site Assessment (LESA) rating for the subject land?
The LESA score is 192.08
15. Does the SUP conform to the regulations of the zoned district? The Zoning Board must find that there is a public necessity for the special use. Yes. The ZBA agreed (3-0) that the use would be in conformance and that the upgraded facility is needed.

The County Board will consider this item at their July 14, 2021 regular meeting.

Duane R. Robson, trustee for the Richard and Beulah Robson Trust applied for a Variation to allow for the sale and residential use of 3.55 acres of A-1 agriculture land located at 106 E 1800 North, Cisco. Kurt Robson was sworn in. He would like to build a home on the family farm.

The ZBA members considered the Variation Zoning factors.

VARIATION ZONING FACTORS- Robson

1. Will the proposed use compete with the current use of the land?
Yes. The ZBA agreed (3-0) that some land will be taken out of production.
2. Will the proposed use diminish property values in surrounding areas?
No. The ZBA agreed (3-0) that it will 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 (3-0) that a denial would not promote the health, safety and welfare of the public.
4. Would denying the variance create a hardship for the landowner?
Yes. The ZBA agreed (3-0) that denying the variance would be a hardship.
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. The surrounding property is family owned.
6. Is the property suitable for its current use?
Yes. The ZBA agreed (3-0) that the property is suitable for the current use.
7. Is the property suitable for the proposed use?
Yes. The ZBA agreed (3-0) that the property is suitable for the proposed use.
8. Is there a community need to deny the variance?
No. The ZBA agreed (3-0) that there is no evidence of a need to deny the variance.
9. Is the subject property non-productive with its current use?
No. The ZBA agreed (3-0) that the property is in production.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?
No. The ZBA agreed (3-0) that the variance would not compete with the comprehensive plan.

The issue will be considered by the County Board at their regular meeting on July 14, 2021.

Public Comments: None

MOTION: Stoddard made motion, seconded by Chambers to adjourn. On voice vote, all in favor and the meeting adjourned at 1:32 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer