

Piatt County  
Zoning Board of Appeals

September 23, 2021  
Minutes

The Piatt County Zoning Board of Appeals met at 7:00 p.m. on Thursday, September 23, 2021 in Room 104 of the Courthouse. Chairman Loyd Wax called the meeting to order. The roll was read. Attending were: Wax, William Chambers, Kyle Lovin, Dan Larson and Keri Nusbaum. ZBA member absent: Jim Harrington  
County Board members in attendance: Ray Spencer

**MOTION:** Lovin made motion, seconded by Chambers to approve the minutes from June 24, 2021, as written. On voice vote, all in favor and the minutes were approved.

**Public Comments:** None

**New Business:**

Dan Moore, agent for Max Moore applied for a Special Use Permit to construct grain storage facilities with variation exemptions to height regulations on A-1 Agriculture land located at 919 E 1150 North Road, Bement. Jake Moore was sworn in. They wish to build a new 75,000 bushel grain bin 60' tall to replace some that are aging. Piatt County zoning ordinance has a height limit of 45'. Steve Shreffler was sworn in to speak for Dora Shreffler, an adjacent property owner. He objects to the fact that there are no engineered drawings available and that his name is misspelled on the handwritten application. Nusbaum explained all that be required before a permit is issued. He is concerned about being able to see the bin from the window of the home where it is proposed. The home is currently vacant. He asked that the matter be tabled until he and Jake can discuss it further.

The ZBA members considered the Zoning factors.

ZONING FACTORS – MOORE

1. Does the current special use restriction promote the health, safety, morals, or general welfare of the public?  
Yes. The property is zoned A-1. The ZBA agreed 4-0 that the current restrictions promote the health, safety, morals or general welfare of the public.
2. Will granting the SUP be detrimental to the safety, comfort, or general welfare of the community?  
The ZBA agreed 4-0 that there is a nearby property owner who voiced concerns.
3. 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 it would.

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 it 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? No. The ZBA agreed 4-0 that it would not.
7. Would the special use, if granted, create a hardship on other landowners within the zone? No. The ZBA agreed 4-0 it would be an inconvenience.
8. Would denying the special use create a hardship on the applicant?  
The ZBA agreed 4-0 it would be a very difficult inconvenience.
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 it is suitable.
10. Would the special use, if granted, have a harmful impact upon the soil?  
No. The ZBA agreed 4-0 that it would not.
11. What is the Land Evaluation and Site Assessment (LESA) rating for the subject land? No LESA study was required as buildings exist on the parcel.

**Motion:** Larson made motion, seconded by Chambers to recommend approval to the County board. Roll was called. Lovin – Yes; Larson – Yes; Chambers – Yes; Wax – Yes. All in favor and the motion carried.

DJL, LLC applied for a setback variation to a 50' x 96' shed with a side setback of 5' on land zoned A-1 located at 639 County Farm Road, Monticello. There is a shed that is existing non-conforming, and it cannot be replaced or built larger without the variation. Doug Husinga was sworn in. He explained the request. There were no objectors.

The ZBA members considered the Variation Zoning factors.

### **VARIATION ZONING FACTORS- DJL**

1. Will the proposed use compete with the current use of the land?  
No. The ZBA agreed 4-0 that the use will not change.

2. Will the proposed use diminish property values in surrounding areas?  
No. The ZBA agreed (4-0) that there is no evidence it 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 would not promote the health, safety and welfare of the public.
4. Would denying the variance create a hardship for the landowner?  
The ZBA agreed (4-0) that denying the variance would create an inconvenience.
5. Would granting the variance create a hardship for the surrounding property owners?  
No. 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?  
Yes. The ZBA agreed (4-0) that the property is suitable for the 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 no evidence of a need to deny the variance.
9. Is the subject property non-productive with its current use?  
Yes. The ZBA agreed (4-0) that the property is not in production.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?  
No. The ZBA agreed (4-0) that the variance would not compete with the comprehensive plan.

**Motion:** William Chambers made motion, seconded by Dan Larson to recommend approval to the county board. Roll was called; all in favor and the motion carried.

John Mikolaitus applied for a variation to allow a single family dwelling on 4.6 acres of AC Agriculture land located at 1368 E 2250 North Road, White Heath.

Diane Musumeci was sworn in. She explained that she deeded 4.6 acres of her property to her brother John so that he can have a home built and move from Texas. Piatt County requires a minimum of 20 acres for a single family dwelling to be built on Agriculture land. There were no objectors.

The ZBA members reviewed the variation zoning factors.

### VARIATION ZONING FACTORS- Mikolaitus

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

These items will be considered by the County Board at their regular meeting on October 13, 2021.

**MOTION:** Lovin made motion, seconded by Chambers to adjourn. On voice vote, all in favor and the meeting adjourned at 7:40 p.m.

Respectfully submitted,  
Keri Nusbaum  
Piatt County Zoning Officer