

Piatt County
Zoning Board of Appeals

July 7, 2022

Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, July 7, 2022 in Room 104 of the Courthouse. Chairman Loyd Wax called the meeting to order. The roll was read. Attending were: Wax, William Chambers, Jim Harrington, Dan Larson, Kyle Lovins and Keri Nusbaum.

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

MOTION: Harrington made motion, seconded by Larson to approve the minutes from May 26, 2022 as written. Roll was called, all in favor and the minutes were approved.

Chairman Wax reminded those in attendance that the ZBA was discussing a text amendment to the ordinance concerning drainage districts today.

Public Comments:

Bruce Stoddard – he appreciates the work put in by the States Attorney and Amy Rupiper on the amendment.

New Business

The ZBA reviewed the text amendment written by States Attorney Sarah Perry.

Ralph King was sworn in – He is a Trenkle Slough commissioner and supports the language submitted by Amy Rupiper.

Kent Dougherty was sworn in – Apex V.P. He supports the amendment written by SA Perry.

Amy Rupiper – Attorney for drainage districts. She explained why the changes and additions she made to the amendment written by SA Perry are important.

Marc Gershon – Attorney for Apex. He believes that Rupiper's A & B contradict each other. He said drainage districts are not under the County jurisdiction and the drainage code covers all of the concerns. He takes exception to the removal of "To the extent practical". He believes her verbiage "changes the compromise position of the state's attorney." He said the tax benefits and benefits to schools of a wind farm are more significant than if an individual builds something.

Kelly Vetter was sworn in. Comments regarding the zoning ordinance and time limits.

The ZBA members considered the zoning text amendment factors.

ZONING FACTORS FOR TEXT AMENDMENTS (7-7-22)

1. Does the proposed text amendment promote the health, safety, morals, or general welfare of the public?
Yes. The ZBA voted unanimously (5-0) that the amendment does promote the health, safety, morals or general welfare of the public.
2. Will the proposed text amendment be injurious to the use and enjoyment of other property within the immediate vicinity?
No. The ZBA agreed unanimously (5-0) that there is no evidence that the text amendment would be injurious to the use and enjoyment of property within the immediate vicinity.
3. Will the proposed text amendment diminish property values of other property within the immediate vicinity?
No. The ZBA agreed unanimously (5-0) that there is no evidence the text amendment would diminish property values in the immediate vicinity.
4. Does the proposed text amendment take into consideration whether there is adequate infrastructure (i.e. roads, utilities, drainage)?
Yes. The ZBA agreed unanimously (5-0) that the text amendment does take into consideration whether there is adequate infrastructure.
5. Is the proposed text amendment in harmony with the overall comprehensive plan of the county?
Yes. The ZBA agreed unanimously (5-0) that there is no evidence otherwise and the text amendment is in harmony with the overall comprehensive plan.
6. Would the proposed text amendment compete with or impede the existing zoned uses of other property within the zone
No. The ZBA agreed unanimously (5-0) that the text amendment would not compete with or impede the existing zoned uses of other property.
7. Would the proposed text amendment create a hardship on landowners within the zone?
No. The ZBA agreed unanimously (5-0) that the text amendment would not create a hardship on landowners within the zone.
8. Would it create a hardship on landowners within the zone if the text amendment were not made?
Yes. The ZBA agreed unanimously (5-0) that if the text amendment were not made a hardship or inconvenience could be created upon the landowners who depend on the drainage.

9. Would the proposed text amendment have a harmful impact upon the soil?
No, The ZBA agreed unanimously (5-0) that the text amendment would not have a harmful impact on the soil.

MOTION: Harrington made motion, seconded by Larson, to recommend approval of the text amendment with the noted contingencies to the County Board. Roll was called, all in favor and the motion carried.

This recommendation will be considered by the County Board at their meeting on July 13, 2022.

MOTION: Lovin made motion, seconded by Harrington to adjourn. On voice vote, all in favor and the meeting adjourned at 2:42 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer