

Piatt County
Zoning Board of Appeals

July 28, 2022

Minutes

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, July 28, 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, Kyle Lovin and Keri Nusbaum. County Board members in attendance: Ray Spencer, Gail Jones, Randy Shumard, Jerry Edwards.

MOTION: Harrington made motion, seconded by Chambers to approve the minutes from July 7, 2022 as written. On voice vote, all in favor and the minutes were approved.

Public Comments: None

New Business

Richard Strohl applied for a variation to allow construction of a single family dwelling on a 4.69 acre tract of A-1 land at 1190 North 1400 East Road, Bement. Richard Strohl was sworn in and told the board he and his wife have been parking their RV at this location for part of the year for a few years and have now purchased the property and would like to build a single family dwelling to live there full time. There was a home site there at some point, and part of the ground he purchased was planted in corn. The ZBA considered the variation zoning factors.

VARIATION ZONING FACTORS- Strohl

1. Will the proposed use compete with the current use of the land?
No. The ZBA agreed (4-0) that the area is not all in production now.
2. Will the proposed use diminish property values in surrounding areas?
No. The ZBA agreed (4-0) that there is no evidence that the use 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?
No. The ZBA agreed (4-0) that denying the variance would not create a hardship, but it would be 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?
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?
No. The ZBA agreed (4-0) that the use is mixed. There is corn being grown on a portion of it.
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: Chambers made motion to recommend approval to the County Board. Seconded by Kyle Lovin. Roll was called, all in favor and the motion carried.

Thomas Bailey applied for a variation to allow for the sale for construction of a single family dwelling on 10.038 acres of A-1 land located at 1880 N 1300 East Road, Monticello. He would like to sell the area where he started an apple orchard. He states it's more work than anticipated and he doesn't want to continue but hopes someone else will. The ZBA considered the variation zoning factors.

VARIATION ZONING FACTORS- Bailey

1. Will the proposed use compete with the current use of the land?
No. The ZBA agreed (4-0) that some land will be taken out of production if a home is built in the future.
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.
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?
No. The ZBA agreed (4-0) that denying the variance would be 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?
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?
No. The ZBA agreed (4-0) that the property is in production. There is an apple orchard on the property.
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: Harrington made motion to recommend approval to the County Board, Chambers seconds. Roll was called, all in favor and the motion carried.

Samuel E. Brandenburg applied for a variation in height restrictions and setback restrictions to allow construction of grain storage at 403 E 800 North, Milmine. Piatt County zoning ordinance has a height limit of 45' for any structure and a side setback of 25' for A-1 property. He proposes a bin with a leg for a total height of 67' and would like a variation in setback to allow for the construction of another bin if necessary. Mr. Brandenburg was not present. The ZBA considered the zoning factors.

VARIATION ZONING FACTORS- Brandenburg

1. Will the proposed use compete with the current use of the land?
Yes. The ZBA agreed (4-0) that some land will be taken out of production in order to build a grain bin.
2. Will the proposed use diminish property values in surrounding areas?
No. The ZBA agreed (4-0) that there is no evidence it will 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?
No. The ZBA agreed (4-0) that denying the variance would be 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. The surrounding property is currently family owned.
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?
No. The ZBA agreed (4-0) that the property is in production.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?
No. The ZBA agreed (4-0) that the variance would not compete with the comprehensive plan.

MOTION: Lovin made motion to recommend approval of the height variation and a setback allowance of 10 feet from the property line to the County Board. Harrington seconds. Roll was called, all in favor and the motion carried.

These recommendations will be considered by the County Board at their meeting on August 10, 2022.

MOTION: Harrington made motion, seconded by Lovin to adjourn. On voice vote, all in favor and the meeting adjourned at 1:37 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer