

Piatt County
Zoning Board of Appeals

October 27, 2022

Minutes

The Piatt County Zoning Board of Appeals met at 7:00 p.m. on Thursday, October 27, 2022, in Rm 104 of the Piatt County Courthouse. Vice Chairman Jim Harrington called the meeting to order. The roll was read. Attending were Harrington, William Chambers, Kyle Lovin, and Keri Nusbaum. Loyd Wax and Dan Larson were absent.

County Board members in attendance: Ray Spencer, Jerry Edwards.

MOTION: Chambers made motion, seconded by Lovin to approve the minutes from September 22, 2022, as written. On voice vote, all in favor and the minutes were approved.

Public Comments:

Alan Moore regarding the hearing rules. Ray Spencer regarding the change to the view on the horizon. Claudia Coile questioned the notification procedures.

New Business

Adoption of Rules and Procedures for Public Hearing. The ZBA reviewed the rules and procedures as presented.

Motion: Lovin made motion, seconded by Chambers to approve the rules and procedures as written. On voice vote, all in favor and the motion carried.

Ben Stutzman applied for a Variation to allow for the construction of a single family dwelling on 1.15 acres of A-1 Agriculture ground at 1348 E 100 North Road, Atwood. The previously existing non-conforming house was destroyed by fire. Hannah Mast was sworn in. She is the proposed buyer of the property, and would want to build a new house there. Esther Kaufman was sworn in. She is the Power of Attorney for Mr. Stutzman. The ZBA considered the Variation factors.

VARIATION ZONING FACTORS - Stutzman

1. Will the proposed use compete with the current use of the land?
No. The ZBA agreed (3-0) that the area is not all in production now.
2. Will the proposed use diminish property values in surrounding areas?
No. The ZBA agreed (3-0) 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 (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 create a hardship. The existing non-conforming structure was destroyed by fire.
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?
Yes. The ZBA agreed (3-0) that the property is suitable for 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?
Yes. The ZBA agreed (3-0) 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 (3-0) that the variance would not compete with the comprehensive plan.

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

MOTION: Lovin made motion, seconded by Chambers to adjourn. On voice vote, all in favor and the meeting adjourned at 7:54 p.m.

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer