

Piatt County  
Zoning Board of Appeals

February 23, 2023

**Minutes**

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, February 23, 2023 in Rm 104 of the Piatt County Courthouse. Chairman Loyd Wax called the meeting to order. The roll was read. Attending were Dan Larson, Jim Harrington, William Chambers and Keri Nusbaum.  
County Board members in attendance: Jerry Edwards and Kathleen Piatt.

**MOTION:** Harrington made motion, seconded by Larson to approve the minutes from December 15, 2022, as written. On voice vote, all in favor and the minutes were approved.

**Public Comments:**

Kelly Vetter – She recommends the county file a lawsuit against JB Pritzker and the state due to the new wind and solar siting legislation.

Sandy Coile – Offered thanks and compliments to the ZBA on the recent wind farm hearings.

Mike Nolan – regarding solar guidance for arrays in subdivisions.

Jim Reed – Protect the tax base and the citizens. Farm Bureau is introducing a shell bill for drainage. IACO is working on verbiage for road agreements.

Claudia Coile – Offered her thanks and appreciation.

**New Business**

David Hardin applied for a setback variation to allow construction of a solar array 6’ 5” from the rear property line on a 1-acre parcel of RS land located at 5 Welsh Cobb Circle, White Heath.

This item was tabled from a previous meeting. Mr. Hardin’s supplier was unable to come up with a different or better solution for a solar installation at his house. The ADT solar engineer sent information stating that reducing the panels and moving them to the roof would result in a 42% loss of production.

Sheila Maloney, an adjacent landowner, objected, saying it would reduce her property values and impact her views. She requested a taller fence be required.

The board members discussed the request and considered the factors.

**VARIATION ZONING FACTORS – Hardin**

1. Will the proposed use compete with the current use of the land?  
No. The ZBA voted 4-0 that the land is nonproductive currently.
2. Will the proposed use diminish property values in surrounding areas?  
There are conflicting reports. The ZBA voted 4-0 there is a possibility, but no data was available regarding ground mount individual solar installations.
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 general welfare of the public.
4. Would denying the variance create a hardship for the landowner?  
No. The ZBA voted 4-0 it would be an inconvenience for the landowner.

5. Would granting the variance create a hardship for the surrounding property owners?  
No. The ZBA voted 4-0 that it could possibly create an inconvenience for one individual.
6. Is the property suitable for its current use?  
Yes. The ZBA voted 4-0 that the property is suitable for its current residential use.
7. Is the property suitable for the proposed use?  
Yes. The ZBA voted 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 one person objecting.
9. Is the subject property non-productive with its current use?  
Yes. The ZBA agreed that the property is non-productive.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?  
No. The ZBA agreed 4-0 that a variance would not compete with the Piatt County Comprehensive Plan.

**MOTION:** Chambers made motion to recommend approval of a 9’ setback with conditions that an 8’ tall fence be erected and a vegetative screen, such as arborvitae be planted. Harrington seconded the motion. Roll was called. Chambers – Yes, Harrington – Yes, Larson – No, Wax – Yes.

The ZBA considered a text amendment necessitated by P.A.102-1123. Those include:

## Section II. Definitions

Add:

C. “Commercial Wind Energy facility” means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. “Commercial wind energy facility” includes a wind energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before the effective date of this amendatory Act of the 102<sup>nd</sup> General Assembly.

Current C. renamed to D.

Current D. renamed to E.

## Section II. E

Strike definition of “Nonparticipating primary structure”

Add:

F. “Nonparticipating property” means real property that is not a participating property.

G. “Nonparticipating residence” means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.

I. “Occupied community building” means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

Current F. renamed H.  
Current G. renamed to J.  
Current I. renamed to K.  
Current K. renamed to N.

Strike Current H. and current J.

Add:

L.” Participating property” means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purposes of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities> “Participating property” also includes real property that is owned by a facility owner for the purpose of constructing a commercial wind energy facility a commercial solar energy facility, or supporting facilities.

M. “Participating residence” means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility of the commercial solar energy facility is filed with the county.

Amend current O.

R. Wind Tower/WECS Tower – means the support structure to which the nacelle and rotor are attached. Includes the wind turbine tower, nacelle, and blades.

Current L. renamed to O.  
Current M. renamed to P.  
Current N. renamed to Q.  
Current P. renamed to S.  
Current Q. renamed to T.  
Current R. renamed to U.

The proposed text amendment includes a change to Section VIII. E.

Propose delete current #2.

Replace with verbiage required by new state legislation:

55 ILCS5/5-12020. Sec 5-12020(e)(2)

2. A wind tower of a commercial wind energy facility to be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions.

The ZBA considered the zoning factors for text amendments.

## ZONING FACTORS FOR TEXT AMENDMENTS

1. Does the proposed text amendment promote the health, safety, morals, or general welfare of the public?

- N/A. The ZBA voted unanimously (4-0) that the proposed text amendment is being mandated by the state.
2. Will the proposed text amendment be injurious to the use and enjoyment of other property within the immediate vicinity?  
N/A. The ZBA voted unanimously (4-0) that the proposed text amendment is being mandated by the state.
3. Will the proposed text amendment diminish property values of other property within the immediate vicinity?  
N/A. The ZBA voted unanimously (4-0) that the proposed text amendment is being mandated by the state.
4. Does the proposed text amendment take into consideration whether there is adequate infrastructure (i.e., roads, utilities, drainage)?  
N/A. The ZBA voted unanimously (4-0) that the proposed text amendment is being mandated by the state.
5. Is the proposed text amendment in harmony with the overall comprehensive plan of the county?  
N/A. The ZBA voted unanimously (4-0) that the proposed text amendment is being mandated by the state.
6. Would the proposed text amendment compete with or impede the existing zoned uses of other property within the zone  
N/A. The ZBA voted unanimously (4-0) that the proposed text amendment is being mandated by the state.
7. Would the proposed text amendment create a hardship on landowners within the zone?  
N/A. The ZBA voted unanimously (4-0) that the proposed text amendment is being mandated by the state.
8. Would it create a hardship on landowners within the zone if the text amendment were not made?  
N/A. The ZBA voted unanimously (4-0) that the proposed text amendment is being mandated by the state.
9. Would the proposed text amendment have a harmful impact upon the soil?  
N/A. The ZBA voted unanimously (4-0) that the proposed text amendment is being mandated by the state.

**MOTION:** Harrington made motion, seconded by Chambers to recommend the text amendment to the County board. Roll was called, all in favor and the motion carried.

**MOTION:** Chambers 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