

Piatt County
Zoning Board of Appeals

March 23, 2023

Minutes

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

County Board members in attendance: Jerry Edwards, Todd Henricks and Kathleen Piatt.

MOTION: Chambers made motion, seconded by Lovin to approve the minutes from February 23, 2023 as written. On voice vote, all in favor and the minutes were approved.

Public Comments:

None

New Business

Brett Hermann applied for a Special Use permit for an event venue for 147 acres of A-1 property located at 1866 Bucks Pond Road, Monticello. Brett Hermann was sworn in. They have a new large pole barn type structure and would like to rent it out for events. The max capacity will be 150 people. They have a pond they built in 2019. The pond will not be available for rental use. No one voiced opposition. The ZBA considered the zoning factors.

ZONING FACTORS - Hermann

1. Does the current special use restriction promote the health, safety, morals, or general welfare of the public?
Yes. The ZBA agreed (4-0) that they do.
2. Will granting the SUP be detrimental to the safety, comfort, or general welfare of the community?
No. The ZBA agreed (4-0) that there is no evidence that granting the SUP would be detrimental.
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 granting the SUP would be injurious.
4. Will granting the special use diminish property values of other property within the immediate vicinity?
No. The ZBA agreed (4-0) that property values would not be diminished.
5. Is there adequate infrastructure to accommodate the special use, if granted (i.e. roads, utilities, drainage)?
Yes. The ZBA agreed (4-0) that the infrastructure is adequate.
6. Are there adequate measures to provide ingress and egress to minimize traffic congestion in the public streets if the SUP is granted?
Yes. The ZBA agreed (4-0) that there are adequate measures for ingress and egress.
7. Would the special use, if granted, be in harmony with the overall comprehensive plan of the county?
Yes. The ZBA agreed (4-0) that the special use would be in harmony with the comprehensive plan.

8. 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 the special use would not compete with or impede the existing zoned uses in the area.
9. Would the special use, if granted, create a hardship on other landowners within the zone?
No. The ZBA agreed (4-0) that the special use would not create hardship for other landowners in the area.
10. Would denying the special use create a hardship on the applicant?
No. The ZBA agreed (4-0) that a denial would not create a hardship.
11. 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 the subject land is suitable for the special use and the current zoned use,
12. Is the applicant's property, as presently zoned, vacant? If so, how long has it been vacant?
No. The ZBA agreed (4-0) there is news construction on the property.
13. Would the special use, if granted, have a harmful impact upon the soil?
No. The ZBA agreed (4-0) that the special use would not have a harmful effect on the soil.
14. What is the Land Evaluation and Site Assessment (LESA) rating for the subject land?
n/a
15. Does the SUP conform to the regulations of the zoned district?
Yes. The ZBA agreed (4-0) that the SUP would conform to the regulations of the district.
The Zoning Board must find that there is a public necessity for the special use.
The ZBA agreed (4-0) that there is not an absolute public necessity for the use.

MOTION: Chambers made motion, seconded by Lovin to recommend approval of the SUP. Roll was called, all in favor and the motion carried.

Andrew Ducker was sworn in. He applied for a yard setback variation to allow construction of a ground mount solar array on his 6.4-acre property zoned IA at 2183 Wagon Trail Road, White Heath. He provided photos, maps and signatures from some of the neighbors. There are other ground mount arrays already existing in the subdivision. There was one letter from Thomas Burtness expressing concern about the HOA rules and permissions required for this project. The ZBA reviewed the zoning factors. There will need to be a signature from the HOA prior to a building permit being issued.

VARIATION ZONING FACTORS – Ducker

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?
No. The ZBA voted that the proposed use would not 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 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 would not create a hardship. Neighboring properties also have solar arrays.
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 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 that the property is non-productive. It is residential.
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: Harrington made motion, seconded by Lovin to recommend approval of the setback variation. Roll was called, all in favor and the motion passed unanimously.

The county board will review the requests at their next meeting on April 12.

The ZBA reviewed some of the definitions which will need to be added to the ordinance to align with the new state legislation.

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

Respectfully submitted,

Keri Nusbaum
Piatt County Zoning Officer