

Piatt County  
Zoning Board of Appeals

March 28, 2024

**Minutes**

The Piatt County Zoning Board of Appeals met at 1:00 p.m. on Thursday, March 28, 2024 in Room 104 of the Piatt County Courthouse. Vice Chairman Jim Harrington called the meeting to order. The roll was read. Attending were Will Chambers, Dan Larson, Kyle Lovin, Jim Harrington, and Keri Nusbaum. Chairman Loyd Wax was absent.

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

**MOTION:** Lovin made motion, seconded by Chambers to approve the minutes from February 22, 2024 as written. On voice vote, all in favor and the minutes were approved.

**Public Comments:** None

Jason Rhoades applied for a variation to allow construction of a single-family dwelling on a 2.78-acre parcel of A-1 agriculture land located at 1480 E 1600 North Road, White Heath. Jason Rhoades was sworn in. The ZBA members considered the zoning factors.

**VARIATION ZONING FACTORS – J Rhoades**

1. Will the proposed use compete with the current use of the land?  
No. The ZBA agreed (4-0) that the proposed use will not compete with the current use of the land.
2. Will the proposed use diminish property values in surrounding areas?  
No. The ZBA agreed (4-0) 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 of the variance would not promote the health, safety or general welfare of the public.
4. Would denying the variance create a hardship for the landowner?  
Yes. The ZBA agreed (4-0) that it would create an inconvenience for the applicant.
5. Would granting the variance create a hardship for the surrounding property owners?  
No. The ZBA agreed (4-0) that it would not create a hardship for the surrounding property owners.
6. Is the property suitable for its current use?  
Yes. The ZBA agreed (4-0) that the property is suitable for its 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 community 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 productive with its current use. It is a family farm.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?  
No. The ZBA agreed (4-0) that a granting of the variance would not compete with the Piatt County Comprehensive Plan.

**MOTION:** Dan Larson made motion, seconded by Kyle Lovin to recommend approval of the variation to the County Board. Roll was called, all in favor and the motion carried.

Chris and Melissa Moffit applied for a Special Use Permit for a guest house/accessory dwelling on 3 acres of R-S Residential Suburban zoned land located at 1270 E Illinois Route 10, White Heath. Piatt County zoning ordinance allows only one single family dwelling per parcel. Chris Moffitt was sworn in. The accessory building they received a building permit for is now a full-time home for their adult daughter. A neighbor, Sharon Francis, was sworn in and voiced concerns that in the future it would be used as a short-term rental. The Moffit's testified that if their daughter moved out, they would use it only for visiting family or friends and that they do not intend to rent it.

The ZBA considered the zoning factors for Special Use.

#### ZONING FACTORS - Moffitt

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 this is not applicable to this application.
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 hardship, but an inconvenience.
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 new 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:** Kyle Lovin made motion, seconded by Larson to recommend approval to the County board, with the condition that the approval is only valid while the applicants own the property. Roll was called, all in favor and the motion carried.

Sam Brandenburg applied for a variation to allow the subdividing of an approximately 3.24 acre parcel of A-1 agriculture land from an original 75.25-acre parcel for the purposes of obtaining a mortgage on an existing single-family dwelling. Sam Brandenburg was sworn in. He would like to obtain a mortgage for an addition to his home. The ZBA members reviewed the zoning factors.

#### **VARIATION ZONING FACTORS – S Brandenburg**

1. Will the proposed use compete with the current use of the land?  
No. The ZBA agreed (4-0) that the proposed use will not compete with the current use of the land.

2. Will the proposed use diminish property values in surrounding areas?  
No. The ZBA agreed (4-0) 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 of the variance would not promote the health, safety or general welfare of the public.
4. Would denying the variance create a hardship for the landowner?  
Yes. The ZBA agreed (4-0) that it would create an inconvenience for the applicant.
5. Would granting the variance create a hardship for the surrounding property owners?  
No. The ZBA agreed (4-0) that it would not create a hardship for the surrounding property owners.
6. Is the property suitable for its current use?  
Yes. The ZBA agreed (4-0) that the property is suitable for its 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 community 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 non-productive with its current use.
10. Would a granting of this variance compete with the Piatt County Comprehensive Plan?  
No. The ZBA agreed (4-0) that a granting of the variance would not compete with the Piatt County Comprehensive Plan.

**MOTION:** Chambers made a motion to recommend approval to the County board. Lovin seconds. Roll was called, all in favor, and the motion carried.

Nicholas Walkers request for a special use permit was tabled at the February 22, 2024 meeting, due to the applicant's absence. Mr. Walker was sworn in and explained that he purchased the building from someone who had a construction business there. He has been operating there since August 2020. Mr. Richard Hedges, who was sworn in and testified in opposition in February is also in attendance at this meeting. He repeated his concerns about parking and traffic.

The ZBA considered the zoning factors.

#### ZONING FACTORS- Walker

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 it does.

2. Will granting the special use be injurious to the use and enjoyment of other property within the immediate vicinity?  
Yes. The ZBA agreed (4-0) that there is one objector who believes that it would be injurious to his enjoyment.
3. Will granting the special use diminish property values of other property within the immediate vicinity?  
No. – The ZBA agreed there is no evidence that it would.
4. Is there adequate infrastructure to accommodate the special use, if granted (i.e., roads, utilities, drainage)?  
Yes – The ZBA agreed (4-0) that there is adequate infrastructure.
5. Would the special use, if granted, be in harmony with the overall comprehensive plan of the county?  
Yes – The ZBA agreed (4-0) that it would be in harmony.
6. 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 it would not compete with or impede other uses.
7. Would the special use, if granted, create a hardship on other landowners within the zone?  
The ZBA agreed (4-0) that there is one person with a firm objection who believes it would be a hardship for him.
8. Would denying the special use create a hardship on the applicant?  
Yes – The ZBA agreed (4-0) that it would be a hardship on the applicant/owner.
9. 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 land is suitable.
10. Would the special use, if granted, have a harmful impact upon the soil?  
No. The ZBA agreed (4-0) that it would not have a harmful impact upon the soil.
11. What is the Land Evaluation and Site Assessment (LESA) rating for the subject land? N/A.

**Motion:** Larson made a motion, seconded by Lovin to recommend approval of the Special Use to the County Board. Roll was called, all in favor and the motion passed.

The County Board will consider these requests at their April 10 meeting.

**MOTION:** Lovin made motion, seconded by Chambers to adjourn. On voice vote, all in favor and the meeting adjourned at 2:04 p.m.

Respectfully submitted,

Keri Nusbaum  
Piatt County Zoning Officer

