

Piatt County  
Zoning Board of Appeals

May 1, 2025

**Minutes**

The Piatt County Zoning Board of Appeals met at 7:00 p.m. on Thursday, May 1, 2025 in Room 104 of the Piatt County Courthouse. Vice Chairperson Jim Harrington called the meeting to order. The roll was read. Kyle Lovin, Dan Larson, Scott Jean and Keri Nusbaum attended. County Board members in attendance: Todd Hendricks, Jerry Edwards, Paul Foran, and William Chambers.

The ZBA reviewed the minutes for April 3 and April 24, 2025.

**MOTION:** Lovin made motion, seconded by Larson, to approve the minutes from April 3 and April 24 as written. On voice vote, all in favor and the minutes were approved.

**Public Comments:** None

**New Business**

Nathan Caudill applied for a yard variation to construct a garage with reduced setbacks from the side and rear property lines on a parcel located at 104 W Meade.

Nathan Caudill was sworn in. He wishes to build a 30' x 32' garage for personal storage. In order to access it with the existing driveway he wishes to build it 5 feet from the side property line. The setback for R-s zoning is 10 feet.

Matt Porter was sworn in. He is a neighbor to the east. He has concerns about privacy, water, draining off the roof of the garage, if 5 feet is sufficient to maintain the garage. He said Caudill already has a very long driveway.

Adam Gill was sworn in. He is the neighbor across the street. He sees no issue with the variance.

Miles Godfrey was sworn in. He is the neighbor to the West. He has no concerns with the variation.

Cara Nightlinger was sworn in. She is on the White Heath water board, which owns property adjacent to the north. She is concerned with the ability to maintain and build the proposed garage with a reduced rear setback. She also has concerns about how drainage would be affected. She said the entire town of White Heath is horrible for drainage problems. The water board hopes to drill an additional well and place a new building on their property in the future, and she is concerned about how the proposed variance may affect that.

Janette Porter was sworn in. She is on the water board and lives to the east of Mr. Caudill. She is concerned that the reduced side setback is not enough to maintain the building.

The ZBA members considered the zoning factors.

**VARIATION ZONING FACTORS - Caudill**

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?

The ZBA voted (3-0) that the proposed use would not diminish property values. One member voted that it was possible it could impact 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?  
The ZBA agreed (4-0) that it would be an inconvenience for the landowner.
5. Would granting the variance create a hardship for the surrounding property owners?  
Yes. The ZBA agreed (4-0) that there are issues to be considered which may cause 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?  
Yes. The ZBA agreed (4-0) that there is evidence of a community need to deny the variance. Adjacent landowners voiced objections.
9. Is the subject property non-productive with its current use?  
Yes. The ZBA agreed (3-0) 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:** Larson made motion, seconded by Lovin, to recommend approval of the variance to the County board. Roll was called. Larson – Nay, Lovin- No, Harrington – No, Jean – No. The variance is not recommended.

John Reed applied for a yard variation to construct a 24' x 35' garage 6 feet from the side property line on a parcel of Residential Suburban zoned land located at 1525 N 1000 East Road, Monticello. He and the property owner Cynthia Shubert need the garage for extra storage and vehicle space. The ZBA members considered the zoning factors.

#### **VARIATION ZONING FACTORS - Reed**

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?  
The ZBA agreed (4-0) that it would be an inconvenience for the landowner.

5. Would granting the variance create a hardship for the surrounding property owners?  
No. The ZBA agreed (4-0) that there is no evidence it would 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?  
Yes. The ZBA agreed (3-0) 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:** Lovin made motion, seconded by Jean to recommend approval to the county board. Roll was called, all in favor and the motion carried.

Christopher and Jack Plunk applied for a Special Use Permit for residential development for a parcel of A-1 ground located at 2120 N 1300 East Road, White Heath. They propose a 15-lot subdivision with 1-5 acre lots.

Nusbaum shared concerns of the township road supervisor who was unable to attend. He said additional drain tile should be required, and that an individual entrance to the northeaster lot onto 1300 could not be allowed due to being too close to the crest of the hill for safety.

Craig Earl from Farnsworth group was sworn in. He has been working with the Plunks on the project and he explained the details of the preliminary plat. The development would utilize individual well and septic systems. The county engineer has given input on the cul-de-sac dimensions and road layout. David Hays was sworn in. He lives in the area at 2123 N 1300 East Road. He commented that 1300 is a very dangerous road already, and he has concerns about additional traffic and entrances. He is also concerned about drainage problems when more paving and septic systems are added. He is concerned that adding 15 more wells in the area will affect the wells which serve the houses already in the area. He is concerned there will be too much drawdown. Craig Earl responded that they could look at shared wells and possibly options to reduce drainage issues.

Paul Terrio was sworn in. He owns and lives on property to the north. He said he is not categorically opposed to the development but does have concerns about increased traffic, drainage issues and flooding.

Jack Plunk was sworn in. He said they were considering development in response to multiple requests from persons wishing to buy ground. 28 acres of the 40 acres was farmed in 2024.

Chris Plunk was sworn in. He re-iterated what his brother had said and answered questions.

Barry Allison was sworn in. He lives adjacent to the property. He said the main concern in the area is water.

Marcia Matthes was sworn in. She lives nearby. She said traffic is her concern. There is a blind corner and people speed. She said there would need to be reduced speed limits, and a traffic study. She also voiced concerns about water. She said water problems in the area are ongoing.

The ZBA members considered the zoning factors.

### **ZONING FACTORS – Walnut Grove- Plunk**

1. Does the current special use restriction promote the health, safety, morals, or general welfare of the public?  
Yes. The property is zoned A-1 agriculture. The ZBA agreed (4-0) that the current restriction promotes the health, safety, morals and welfare of the public.
2. Will granting the SUP be detrimental to the safety, comfort, or general welfare of the community?  
It could be detrimental. The ZBA voted (4-0) that there were concerns raised by adjacent land owners.
3. Will granting the special use be injurious to the use and enjoyment of other property within the immediate vicinity?  
The ZBA agreed (4-0) that it could be injurious to the use of other property.
4. Will granting the special use diminish property values of other property within the immediate vicinity?  
No. The ZBA agreed (4-0) that there is no evidence the SUP would diminish property values in the vicinity.
5. Is there adequate infrastructure to accommodate the special use, if granted (i.e. roads, utilities, drainage)?  
The ZBA agreed (4-0) that drainage and additional traffic on the road is a concern.
6. Are there adequate measures to provide ingress and egress to minimize traffic congestion in the public streets if the SUP is granted?  
No. The ZBA agreed (4-0) that impact on the traffic and roads needs to be reviewed.
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.
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 it would not compete or impede with the uses of other property.
9. Would the special use, if granted, create a hardship on other landowners within the zone?  
Possibly. The ZBA agreed (4-0) that it could create a hardship if drainage issues are not addressed.
10. Would denying the special use create a hardship on the applicant?  
One member voted yes, it would be a hardship because significant investment has been made. Other ZBA members agreed (3) it would create an inconvenience if the owner cannot use it as he wishes.

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 property is suitable for the current use and for the special use it is to be determined.

12. Is the applicant's property, as presently zoned, vacant? If so, how long has it been vacant?

N/A It has been farmed in the past.

13. Would the special use, if granted, have a harmful impact upon the soil?

Potentially. The ZBA agreed (4-0) that if drainage and erosion concerns are not addressed, it could have an impact on the soil.

14. What is the Land Evaluation and Site Assessment (LESA) rating for the subject land? 194.5

15. Does the SUP conform to the regulations of the zoned district? The Zoning Board must find that there is a public necessity for the special use.

The ZBA agreed (4-0) that the SUP does not conform to the zoned district

The ZBA agreed (4-0) that there is not a public necessity for the special use, but there is public demand for this use.

Dan Larson noted that the ZBA had not heard objections to the project, but there are many concerns.

**MOTION:** Larson made motion to recommend approval of the SUP to the County Board with conditions that a water table study, a drainage study, and an in-depth traffic study be conducted. Scott Jean seconded the motion. Roll was called, all in favor and the motion carried.

The applicant and adjacent land owners requested they be notified when a Plat committee meeting is scheduled.

All of these items will be considered at the next County Board Meeting on May 14 at 9 a.m.

**MOTION:** Lovin made motion, seconded by Larson to adjourn. On voice vote, all in favor and the meeting adjourned at 9:21 p.m.

Respectfully submitted,

Keri Nusbaum  
Piatt County Zoning Officer