

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:03 AM in the County Commission Board Room.

**ROLL CALL:**

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Aaron Johnson, Gene Anderson and Official Mandi Anderson were all attending. Doug Jerlow was excused from the meeting.

**AGENDA/ADDITIONS:**

None.

Motion by Craig Johannsen to approve the agenda. Second by Alan Schaefer. M/C All were ayes.

**REORGANIZATION:**

Official Mandi Anderson asked for nominations for Chairman.

Craig Johannsen nominated Don Bickett. Mandi Anderson called for any additional nominations. There being no further nominations, motion by Craig Johannsen, second by Alan Schaefer, for nominations to cease and a unanimous ballot be cast for Don Bickett as 2020 Chairman of the Lake County Board of Planning Commissioners. Motion carried.

Official Mandi Anderson asked for nominations for Vice Chairman.

Craig Johannsen nominated Gene Anderson. Mandi Anderson called for any additional nominations. There being no further nominations, motion by Craig Johannsen, second by Dale Thompson, for nominations to cease and a unanimous ballot be cast for Gene Anderson as 2020 Vice Chairman of the Lake County Board of Planning Commissioners. Motion carried.

2020 Meeting dates and times set for the second Wednesday of each month at 8am with the exception that there is not an Agenda to meet for and due to Veterans Day in November landing on that Wednesday we shall meet Tuesday, November 10th instead. The 2020 Planning Meeting Calendar was provided in their packets.

At the January 7<sup>nd</sup> Lake County Commissioner's meeting Don Bickett & Craig Johannsen were reappointed to serve another 3-year term.

Welcome Aaron Johnson back to our Planning board. He is a County Commissioner serving on our Planning Commissioner Board.

Mandi Anderson turned the meeting over to Chairman Don Bickett.

**MINUTES/CORRECTIONS:**

Motion by Aaron Johnson to approve December 11<sup>th</sup> minutes sent to them by mail. Second by Gene Anderson. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**VARIANCE-20-01**

Owner/Applicant: Larry & Linda Ward

Chuck Wiseman – Complete Contracting

Property Description: Lot 5 Blk 5 & Lot 5 Blk 3 Wentworth Park in the NE ¼ of Section 30-106-51, Wentworth Township

Zoning Designation: "LP-1" Lake Park District 1, Lake Madison

Request: The applicant is requesting a Variance from the required minimum side yard setback.

History/Issue(s):

1. The applicant is requesting to build a new lake home adjacent to Lake Madison. The old structure has been since destroyed due to major damages sustained during the September 2019 Flood event.
2. Lake County Ordinance requires that a single-family structure in the Lake Park District-1 must have a minimum side yard setback of 9'. If they cannot meet the setbacks, they shall go through the Variance process.
3. They are requesting a 4 ½' variance from both side yard property lines.
  - a. They meet all other required setbacks. They are currently in the processes of purchasing the old Road r-o-w.

4. We acknowledge that this lot was platted prior to Lake County Zoning regulations and is considered nonconforming due to the square footage only being approximately 3,600 sq. /ft. and the width only being approx. 30' on the road side. It is a lot of record. Conditions particular to the property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
  - a. Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
  - b. Minimum lot width requirement for LP-1 district is 75 feet.
5. Adjoining neighbors and Wentworth Park Association have been contacted. The Wentworth Park Association and the neighbors to the South raise no objections to the proposed project, their signatures were obtained. The neighbor to the North was set a certified letter containing the explanation sheet, site plan, blueprints, application and signature sheet.
6. Staff recommendation – Variance – Minimum Side Yard Setback  
The Planning Commission has the option to postpone, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance
- The reasons set forth justify the granting of the Variance.
- The request is the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.
- Conditions particular to the property were not the result of the actions of the applicant.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- The granting of the variance *may* be contrary to the public interest.

Discussion and questions of the Planning Commission members to the applicant:

Planning Commission member Aaron Johnson asked about gutters and slope for drainage on the new structure and property. Applicants responded that the land will slope to the lakeside and the lot will be filled with about a 1&1/2 of dirt to help come into compliance with the requirements of the OHWM.

Discussion was opened up to the public to take public testimony.

Opponent Testimony: Reed Forster, adjoining neighbor to the north, spoke about his concerns of the proposed project. Drainage concerns that if all the lots around him are built up that he will be the lowest point between the lake and the slough to the east of him that he owns and will cause more water issues for him. Also, the appearance of a 2-story home will make him feel boxed in as well as having 2 large trees on him property that will now be very close to the new structure.

Response from Applicants:

Chuck Wiseman & Larry Ward responded to the concerns. Possibly the road should be built up to prevent the slough water from running across it and onto his property or adding retaining walls. It is a low area and they are asking to meet the requirements for their elevation of the new home.

Action Item: Variance – Side yard setback

Motion by Dale Thompson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Aaron Johnson. M/C All were ayes.

### **Conditional Use #20-01**

Owner/Applicant: Orland Ridge, LLC (Brian & Jeff Bosma) Ty Echenbaum – A1 Development Solutions

Property Description A portion of the NE ¼ of NW ¼ Excluding E 34 Rods & N 14 Rods & Excluding the Hwy, Section 24-105-54. To be platted and known as "Lot 1 of Orland Ridge Addition in the NE ¼ of NW ¼ of Section 24, Clarno Township

Zoning Description: "A" Agricultural District, Flood Damage Prevention & Aquifer Protection Overlay Districts

Request: Requesting an essential private utility wellhead site.

History/Issue(s):

1. They are requesting to construct a private wellhead for their water source to supply the Orland Ridge Dairy. This proposed operation site is approximately 2 miles from the Dairy.

2. Lake County Ordinance requires a landowner to go thru the conditional use process when located in the Aquifer Protection Overlay District in the "A" District.
3. Being located within the Zone A Aquifer Critical Impact Zone allows the applicant to request a private utility as long as the activity is not prohibited in the Zone A or underlying district and that they can meet the Performance Standards that are outlined for the Aquifer Protection Overlay Zones.
  - a. Activity will conform to all standards of SD DENR and permits shall be obtained from their department.
  - b. There shall be no solid or liquid waste of any kind from septic tanks, drain fields, lagoons, storage ponds, feedlots or hazardous materials.
  - c. If the well should become abandoned, it should be plugged in conformance with the SD Well Constructing Standards, Chapter 74:02:04:67-70.
  - d. When securing a use permit, the owner/applicant must agree to make future improvements which may become necessary to prevent contamination of shallow aquifers.
4. Staff recommendation – Conditional Use – Private Utility Wellhead Site  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Private wellheads are allowable in the "A", Aquifer Protection and Flood Prevention Districts under certain conditions and this request would not be injurious to the neighborhood or detrimental to the public welfare.
- There are other existing private wellheads so it would be generally compatible with adjacent properties and other property in the district.
- The private wellhead is not out of the ordinary being located in the Districts.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance.
- The granting of the conditional use would not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

Discussion and questions of the Planning Commission members to the applicant:

Commission asked the applicant how deep the well was going to be, how many wells and will it be monitored by the state? Ty responded that there will be 2 wells on site approximately 70 feet in depth, a primary and a secondary incase the pump fails on the primary. TimeWell out of Minnesota has been testing the water quality and well placement. They will have to treat the water for cattle consumption and will use the rural water for human consumption. They are working with SD DENR for the water rights and they will follow and maintain the requirements of the state.

Action Item: Conditional Use – Private Utility Wellhead Site

Motion by Craig Johannsen to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Alan Schaefer. M/C All were ayes

#### **PLATS:**

**A Plat of Lots 1 & 2 of Sky Edge Addition** in SW ¼ of Section 34-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. They are resubdividing an existing lot into 2 conforming lots. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Gene Anderson. M/C All were ayes.

**A Plat of Lot 1 of Orland Ridge Addition** in NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 24-105-54 in Clarno Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing a lot for private utility wellhead site. Lot does not meet the Lake County Regulations for a residential or commercial lot, however can be utilized for utility use only. The taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Craig Johannsen. M/C All were ayes.

**A Plat of Lots A & B in Tract 1 of Fischer Place Addition** in NW  $\frac{1}{4}$  and SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and Government Lots 1, 2, 3 & 4 all in Section 24-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" & "LP-1" District. They are resubdividing Tract 1 into two lots. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

**PUBLIC COMMENT:**

None

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Alan Schaefer. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:51 AM.

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:00 AM in the County Commission Board Room.

**ROLL CALL:**

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and official Mandi Anderson were all present.

**AGENDA/ADDITIONS:**

None.

Motion by Craig Johannsen to approve the agenda. Second by Gene Anderson. M/C All were ayes.

**MINUTES/CORRECTIONS:**

Motion by Aaron Johnson to approve January 8th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**CONDITIONAL USE #20-02**

**Owner/Applicant:** Rick Odland, Highway 34 Storage, LLC

**Property Description:** Lots 24 to 26, excluding H-1 Plat, Voiture Subdivision Block 1 of Chautauqua Plat, located in the SW ¼ of Section 15, Lakeview Township

**Zoning Designation:** "LP 3" –Lake Park-District 3 (Lake Madison)

**Request:** The applicant would like to build an oversized storage facility with greater dimensions than the Ordinance regulates.

**History/Issue(s):**

1. Applicant is requesting to build a 40' x 125' x 14' cold storage oversized commercial building alongside of his already existing storage building. Proposed containing 5,000 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use process to build oversized commercial storage facilities with taller than 14' sidewalls and greater than 4,000 sq/ft in the District as long as it is not detrimental to other uses and is in the general character with the "LP 3" District.
3. Ordinance regulates that they must have a front yard of no less than 20' from the road right-of-way or road easement, 10' rear setback and shall not be nearer than 2' to any side lot line. The maximum height of the structure may not exceed 30' tall. The structure meets all setbacks and overall height regulation.
4. Staff recommendation – Conditional Use – **Oversized Commercial Storage Facilities**  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized private and commercial storage facilities are allowable as a conditional use in the "LP 3" District under certain conditions and it is the opinion of the board that granting this use would not be detrimental to other uses and is in the general character of the other uses in the district.
- There are other oversized private and commercial buildings in the area so it would be generally compatible with adjacent properties and other property in the district
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;

- Signs;
- Required yards and other open space; and
- General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use will not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- NONE

**Action Item: Conditional Use – Oversized Commercial Storage Facilities**

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Doug Jerlow. M/C All were ayes

**VARIANCE-20-02**

**Owner/Applicant:** Justin & Kristin Olson

**Property Description:** Lot 2A Callahans 4th Addition in the SE ¼ of Section 4, Lakeview Township

**Zoning Designation:** “A” – Agricultural

**Request:** The applicant is requesting a Variance from the minimum rear yard setback.

**History/Issue(s):**

1. The applicant is requesting to build an accessory pole building in the rear yard of his property.
2. Lake County Ordinance requires that all buildings/structures shall have a rear yard depth of not less than fifty (50) feet when located in the “A” District.
  - a. He is requesting to build the new accessory building 30’ from the rear property line, asking for a 20’ Variance.
  - b. The proposed structure would meet all other setbacks (front, sides, height).
3. The applicant subdivided this property back in 2018 to build a home and outbuildings. The purpose and intent of the Subdivision Ordinance is to create a lot that is buildable and meets regulations. Lake County Zoning and Subdivision regulations consider this lot to be conforming. Therefore, this is considered to be a self-induced hardship as the applicant and landowner specifically platted the boundaries and were aware of the property conditions at that time. Conditions particular to the property were considered the result of the actions of the applicant.
  - a. Minimum lot size requirement for “A” district is 1 acre when located in the Area of Development Stability.
  - b. Minimum lot width requirement for “A” district is 150’.
4. There are no floodplains, sloughs or wetlands present on the property that restrict the proposed structure from meeting the required setbacks. However, there is runoff and drainage from the adjacent field property that runs across the lot from side yard to side yard. The Applicant stated that the proposed location is the ideal placement of the pole barn due to the drainage through the lot.
5. Adjoining landowners have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval.

**Minimum Rear Yard Setback**

The Planning Commission has the option to postpone, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- The reasons set forth justify the denial of the Variance.
- The denial of the Variance will not restrict the landowner from building the accessory structure.
- The enforcement of the Ordinance may result in unnecessary and undue hardship however the hardship is self-induced.
- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district. Conditions particular to the property were considered the result of the actions of the applicant.
- Granting the variance will not be in harmony with the general purpose and intent of the Ordinance.
- The request may not be the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The granting of the variance request would confer on the applicant special privilege denied to others in the “A” district.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The granting of the variance may not be contrary to the public interest.

Discussion and questions of the Planning Commission members to the applicant:

Commissioners asked why he cannot meet the setback. Applicant responded with his goals for the runoff from the building to go half to the rear field and half to the drainage area, he would like to stay as far as possible from the low area. He had planned to build this outbuilding, maybe not as big, but now with this last year's rain event they now know where their preferred placement would be.

**Action Item: Variance – Rear yard setback**

Motion by Gene Anderson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Doug Jerlow. Upon roll call vote being taken thereon the following members voted YEA: Gene Anderson. The following members voted NAY: Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson. Motion failed.

Discussion took place between Commissioners, Applicant and Official. Deciding the variance didn't have the required reasons set forth to recommend approval the following motion was made.

Motion by Aaron Johnson to recommend denial of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Craig Johannsen. M/C All were Ayes.

**VARIANCE-20-03**

**Owner/Applicant:** Michael & Jennifer Reecy

**Property Description:** Lot 24 Peninsula Park Addition, NE ¼ of Section 36, Lakeview Township

**Zoning Designation:** "LP-1" Lake Park District 1, Lake Madison

**Request:** The applicant is requesting a Variance from the required minimum side yard setbacks.

**History/Issue(s):**

1. The applicant is requesting to build a new lake home adjacent to Lake Madison. The old structure has been since destroyed due to major damages sustained during the September 2019 Flood event.
2. Lake County Ordinance requires that a single-family structure in the Lake Park District-1 must have a minimum side yard setback of 9'. If they cannot meet the setbacks, they shall go through the Variance process.
3. They are requesting an approx. 4' variance from both side yard property lines proposing the new structure to sit 5' off of each side yard property line.
  - a. They meet all other required (front, rear, height) setbacks.
4. We acknowledge that this lot was platted prior to Lake County Zoning regulations and is considered nonconforming due to the square footage only being approximately 8,802 sq. /ft. (including the 30' roadway easement) and the width only being approx. 50' on the road side. It is a lot of record. Conditions particular to the property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
  - c. Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
  - d. Minimum lot width requirement for LP-1 district is 75 feet.
5. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.
6. Staff recommendation – Variance – **Minimum Side Yard Setbacks**  
The Planning Commission has the option to postpone, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance
- The reasons set forth justify the granting of the Variance.
- The request is the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.
- Conditions particular to the property were not the result of the actions of the applicant.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The granting of the variance is not contrary to the public interest.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- None.

**Action Item: Variance – Side yard setbacks**

Motion by Craig Johannsen to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Aaron Johnson. M/C All were ayes.

**PLATS:**

**A Plat of Tract 2A of B. Price Addition** in W ½ of Section 15-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. They are resubdividing an existing lot to add land into it. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Dale Thompson. M/C All were ayes.

**PUBLIC COMMENT:**

None.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:03 AM.



The regular meeting of the Lake County Planning Commission was called order at the hour of 08:05 AM in the County Commission Board Room.

**ROLL CALL:**

Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson and official Mandi Anderson were all present. Craig Johannsen and Gene Anderson were excused from the meeting.

**AGENDA/ADDITIONS:**

None.

Motion by Aaron Johnson to approve the agenda. Second by Alan Schaefer. M/C All were ayes.

**MINUTES/CORRECTIONS:**

Motion by Aaron Johnson to approve March 11th minutes sent to them by mail. Second by Dale Thompson. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**8:10am**

**CONDITIONAL USE #20-04**

**Owner/Applicant:** Gaylen & Shirley Backus Gaylen's Homegrown Popcorn

**Property Description:** A portion of "Lot 1 Ethanol Plant Addition in NW ¼ of Section 21-106-51" to be subdivided and known as "Lot 1A Ethanol Plant Addition in the NW ¼ of Section 21-106-51" Wentworth Township

**Zoning Designation:** "A" –Agricultural District & "CP" Corridor Preservation Overlay District

**Request:** The applicant would like to build an agricultural product processing facility for Gaylen's Popcorn

**History/Issue(s):**

1. Applicant is requesting to build a facility on their property and move their expanding popcorn business to this new location.
2. Lake County Ordinance requires that a land owner go through the Conditional Use process to build an AG product processing facility in the Agricultural District.
3. When located within the Corridor Preservation Overlay District Lake County Ordinance regulates that all structures shall be set back 225' from the section line or 150' from the road r-o-w line whichever setback distance is greater. This structure is located on a corner lot and shall observe 2 front yards. The structure meets the vision clearance (clear view triangle) on a corner lot. The structure meets all setbacks and overall height regulation.
4. Staff recommendation – Conditional Use – **Agricultural Product Processing Facility**  
Staff Recommends approval of the Conditional Use request.  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Agricultural Product Processing Facilities are allowable as a conditional use in the "A" District under certain conditions and it is the opinion of the board that granting this use would not be detrimental to other uses and is in the general character of the other uses in the district.
- There are other facilities in the district so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;

- Utilities, refuse, and service areas;
- Screening and Buffering;
- Signs;
- Required yards and other open space; and
- General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use will not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- NONE

### **Action Item: Conditional Use – Agricultural Product Processing Facility**

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Aaron Johnson. M/C All were ayes

8:20am

### **CONDITIONAL USE #20-03**

\*Signed Waiver of Right to Personal Appearance

**Owner/Applicant:** Chester & Lisa Vanderwerf

**Property Description:** Lot 4 Evans Addition in Government Lot 4, SE ¼ of Section 30-106-51, Wentworth Township

**Zoning Designation:** “LP 1” –Lake Park-District 1 (Lake Madison)

**Request:** The applicant would like to build an oversized unattached garage with greater dimensions.

#### **History/Issue(s):**

1. The applicant is requesting to build a garage on his back lot behind Wentworth Park Drive.
  - a) Proposed overall dimensions of 40’ x 72’ will contain 2,880 sq/ft and has a sidewall height of 12’.
  - b) This garage will be used for his own personal use, non-business.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12’ and greater than 1,200 sq/ft in the “LP 1” District.
3. He meets all setbacks on this lot.
  - a) He is adjacent to a private road (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w.
  - b) Shall not be nearer than 2 feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than 10’ to the lot line.
  - c) The proposed structure meets the overall height requirement of no taller than 30’.
4. Staff recommendation – Conditional Use – **Oversized Unattached Garage**  
 The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized unattached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other unattached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

**Action Item: Conditional Use – Oversized Unattached Garage**

Motion by Aaron Johnson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Alan Schaefer. M/C All were ayes

**8:30am**

**CONDITIONAL USE #20-05**

\*Doug Jerlow recused himself from this application due to personal controversy of covenants.

\*Signed Waiver of Right to Personal Appearance

**Owner/Applicant:** Brian & Laurie Johnson

**Property Description:** Lots 4 & 5 Christiansen Sunrise Acres 1st Addition, SE ¼ of Section 26, Lakeview Township

**Zoning Designation:** “LP 1” –Lake Park-District 1 (Lake Madison)

**Request:** The applicant would like to build an oversized garage with greater dimensions.

**History/Issue(s):**

1. The applicant is requesting to build an unattached garage on his property next to his house on Lot 5.
  - c) Proposed overall dimensions of 40'x 80' will contain 3,200 sq/ft and has a sidewall height of 16'6".
  - d) This garage will be used for his own personal use, non-business.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the “LP 1” District.
3. He meets all setbacks on this lot.
  - d) He is adjacent to a private road easement (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w.
  - e) Shall not be nearer than 2 feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than 10' to the lot line.
  - f) The proposed structure meets the overall height requirement of no taller than 30'.
4. Staff recommendation – Conditional Use – **Oversized Unattached Garage**  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized unattached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other unattached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

**Action Item: Conditional Use – Oversized Unattached Garage**

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Alan Schaefer. M/C All were ayes.

8:40am

**VARIANCE-20-04**

\*Signed Waiver of Right to Personal Appearance

**Owner/Applicant:** David & Lori Brende

**Property Description:** 1966 Homette Mobile Home on leased land, 3431 Basler Drive, Baslers Resort trailer court only, Chester Township

**Zoning Designation:** "LP 2" – Brant Lake

**Request:** The applicant is requesting a Variance from the maximum age mobile home requirement

**History/Issue(s):**

1. The applicant is requesting to move a 1995 (28x56) refurbished double wide Type A Mobile Trailer Home onto leased land on Basler's Trailer Court.
  - a. This mobile home is considered a Type A Manufactured Home because of its square footage being over 1,200 sq/ft.
2. Lake County Ordinance requires that a Type A Manufactured Home shall not exceed fifteen (15) years from the date of manufacture; therefore, is required to go through the variance process if they cannot meet the age requirement.
  - a. The variance requested would exceed the age allowed by 10 years.
  - b. They meet the current Lake County regulations for setback requirements for single family homes.
3. They have provided photographs of the exterior and interior.
  - a. Centennial Homes in Sioux Falls is where this mobile home is at currently and their plan is to have all the renovating completed before it is moved to the leased land.
  - b. Newer siding and roofing materials, completely remodeling the interior with new flooring, paint, kitchen and bathroom updates and new appliances.
  - c. The plumbing and electrical are all up to code and meet the HUD code requirements in SD.
  - d. The home will have a permanent perimeter skirting enclosure and will be anchored to the ground.
4. Adjoining neighbors and landowner have been contacted. They have raised no objections to the Variance request. Their signatures were obtained.
5. Staff recommendation – Variance – **Maximum Age Requirement**  
Staff Recommends approval of the Variance request.  
The Planning Commission has the option to table, recommend granting of the variance to the Board of Adjustment, or recommend denial of the variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- Type A manufactured homes may receive a variance from the maximum age requirement if they meet the requirements stated in Section 1207. #6.
- Single family Manufactured homes are compatible with adjacent properties and other properties in LP-2; the variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining neighbors and landowner do not object to the Variance request.
- The Variance is the minimum Variance that will make possible the reasonable use of the land.
- The reasons set forth justify the granting of the Variance.
- They will also be required to follow Lake County Ordinance Section 1207 Manufactured Home and Modular Home Regulations
- There are special conditions or circumstances that exist which are peculiar to the land, *structure*, or building involved, and which are applicable to other land, structures, or buildings in the same district.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- The granting of the variance request would confer on the applicant special privilege denied to others in the LP-2 district.

**Action Item: Variance – Maximum Age Requirement**

Motion by Alan Schaefer to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Aaron Johnson. Alan, Aaron, Don and Doug all ayes. Dale was opposed and felt that the request was too far beyond the 15-year requirement.

8:50am

**CONDITIONAL USE #20-06**

**Owner/Applicant:** Darryl "Bud" & Kelly Postma - Postma's Puppies Jesse & Kari Bruns – Landowners

**Property Description:** Lot 9 Bruns 2nd Addition in NE ¼ of Section 9, Herman Township

**Zoning Designation:** "A" –Agricultural District & "Aquifer Protection Overlay District"

**Request:** An animal husbandry business and personal dog kennel.

Bud Postma was present for the meeting and after discussion and concerns heard by the public Bud decided to withdraw his application and request. He will follow the Lake County Zoning Ordinance permitted uses.

Concerns included: Odor, noise, safety, site, property value, number of dogs allowed and road traffic.

Members of the public that were present including Brian Wilkens, Wade Bialas, Jeff Meadows, Sara and Dan Wardner, Clay and Tracy Reagle.

**9:10am**

**CONDITIONAL USE #20-07**

**Owner/Applicant:** Albert Lee & Karen Yager & Donna Yager "The Gravel Pit"

**Property Description:** Tract 2A B. Price Addition in the W ½, Section 15 to be platted and known as "Tract 2B B. Price Addition in the W ½ of Section 15-106-52", Lakeview Township

**Zoning Designation:** "A" – Agricultural district

**Request:** The applicant is requesting to expand their gravel mining operation site.

**History/Issue(s):**

1. They are requesting to expand the current boundaries of their permit for the gravel mining operation. Specifically, to mine more of existing Tract 2A to be platted as Tract 2B.
  - a) A minimum of 1,000' from the mineral exploration and extraction; rock crushers property line to the nearest residence; excluding the residence of the operator will be upheld.
2. The property is adjacent to Lake County Highway 29 on 457th Ave.
3. The property is east of three existing gravel pit operations.
4. As long as the applicant stays within the legal loads limits that the County has set, the County will not require a road haul agreement unless the Lake County Highway Superintendent finds it necessary. The Highway Sup is satisfied with the entrance and exit to the property and has no safety concerns.
5. Lake County Ordinance requires a land owner to go through the Conditional Use process to start or expand a sand, gravel or quarry operation in the "A" district and comply, at a minimum, with Section 1224.
6. The site has obtained the Department of Environment and Natural Resource approval as well as the SD State Historic Society and Game, Fish & Parks.
7. Staff recommends approval of the Conditional Use – **Expansion of sand, gravel, or quarry operation**  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Sand, gravel, or quarry operations are allowable as a conditional use in the A – Agricultural District under certain conditions.
- The applicant has provided a site plan; a letter from SD DENR indicating the applicant has been granted a mine license; a letter from the SD State Historical Society indicating the proposed use will have no effect on known cultural resources; and a letter from the Department of Game, Fish and Parks indicating the proposed use will have no significant impact on fish and wildlife resources.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance. Specifically, the applicant shall comply with the minimum requirements of Section 1224 and the following conditions as outlined in the applicant's site plan, including but not limited to:
  - Applicant shall maintain all required permits from the South Dakota Department of Environment and Natural Resources (DENR) and comply with all local, state, and federal laws;
  - The mining area shall not exceed the boundaries of Tract 2B identified in applicant's site plan;
  - The mining area shall be a minimum of 1,000 feet from the nearest residence;
  - Equipment that is not being used shall not be left on the property;
  - Dust control efforts shall be utilized to ensure minimal fugitive dust;
  - Noise shall comply with MSHA regulations and shall not exceed the 90-decibel noise level and 8-hour time-weighted average at the property line;
  - MSHA shall be contacted prior to commencing operation;
  - Operations shall occur during business hours normally associated with the construction industry, typically from mid-April to November between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday;
  - Applicant shall maintain existing fencing;
- A reclamation bond shall be provided to the State as required by law for the gravel pit reclamation on final restoration

- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- There are other existing sand, gravel, or quarry operations in the area so it would be generally compatible with adjacent properties and other property in the district.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- The granting of the conditional use *may* adversely affect the public interest.

#### **Discussion:**

Public members present include Pam & Sam Stewart, Donna Bergen, Attorney Mitch Peterson representing Janet Weber, Janet Weber and Travis Davidson.

Public members concerned about the current road conditions, reclamation and time frame. Attorney Peterson listed concerns on road conditions, proper fencing, the residence to the north not being occupied by the operation owner himself but renting it, multiple entrances, spoil piles, removal of top soil is considered mining according to the state, equipment in the yard, trench to drain the area into the county ditch and hours of operation. Mainly concerned about enforcement.

Janet Weber's main concern is that this new Conditional Use permit will still uphold the 1,000 feet setback requirement from the horse pasture and not her residence itself.

#### **Action Item: Conditional Use – Expansion of sand, gravel, or quarry operation**

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Aaron Johnson. M/C All were ayes.

#### **PLATS:**

**A Plat of Lots 1A & 1B Ethanol Plant Addition** in NW ¼ of Section 21-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "A" District. They are resubdividing an existing lot into 2 conforming lots. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

**A Plat of Lot 47 & 48 of Nordstrom's Addition** in SW ¼ of the SW ¼ of Section 25-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Resubdividing existing lot to add in land and create two new conforming lots. Meets Lake County Regulations and the taxes have been paid in full. Motion by Dale Thompson to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**A Plat of Tract 2B of B. Price Addition** in the W ½ of Section 15-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. They are resubdividing tract of land to add land in. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

**A Plat of Lot 1 of Riedel's Addition** in the SW ½ of Section 15-108-54 in Wayne Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing the existing farmstead away from the existing farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Dale Thompson. M/C All were ayes.

**A Plat of Tract 1 of Reiners Addition** in government lot 3 Section 30-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. They are resubdividing existing lots into one large conforming lot for future

single-family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

**A Plat of Lot 1 of Stemper's 2nd Addition** in the W ½ of the NW ¼ of Section 16-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. They are resubdividing a lot to create a new 5-acre lot for potential future development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Doug Jerlow to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

**PUBLIC COMMENT:**

None

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 10:44 AM.

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:12 AM in the County Commission Board Room.

**ROLL CALL:**

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson and Official Mandi Anderson were all present. Gene Anderson was excused from the meeting.

**AGENDA/ADDITIONS:**

None.

Motion by Aaron Johnson to approve the agenda. Second by Alan Schaefer. M/C All were ayes.

**MINUTES/CORRECTIONS:**

Motion by Alan Schaefer to approve May 13th minutes sent to them by mail. Second by Aaron Johnson. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**VARIANCE-20-05**

**Owner/Applicant:** Jacob & Kathryn Studer Contractor- Lydell Larson (Falls City Construction) \* Applicants waived their personal appearance.

**Property Description:** Lots 1-2 Block 7 Wentworth Park Addition & the South 12' of Lot 7 Block 6 Lines Lots Wentworth Park Addition in the SE ¼ of Section 30-106-51, Wentworth Township

**Zoning Designation:** "LP-1" Lake Park District 1, Lake Madison

**Request:** The applicant is requesting a Variance from the required minimum side yard setback.

**History/Issue(s):**

1. The applicant is requesting to build a new lake home adjacent to Lake Madison. The old structure has been since destroyed due to major damages sustained during the September 2019 Flood event.
2. Lake County Ordinance requires that a single-family structure in the Lake Park District-1 must have a minimum side yard setback of 9'. Any projections including unenclosed porches that project more than 3 ½ feet from the structure and/or having more than 50 sq/ft in area must meet a 9' side yard setback as well. If they cannot meet the setbacks, they shall go through the Variance process.
3. They are requesting an approx. 4' variance from the South side yard property line proposing the new unenclosed porch structure to sit 5'8" off of the side yard property line.
  - a. They meet all other required (front, North side, rear, height) setbacks.
4. We acknowledge that this lot was platted prior to Lake County Zoning regulations and is considered nonconforming due to the square footage only being approximately 3,672 sq. /ft. and the width only being approx. 72' on the road side. It is a lot of record. Conditions particular to the property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
  - a. Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
  - b. Minimum lot width requirement for LP-1 district is 75 feet.
5. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.
6. Staff recommendation – Variance – **Minimum Side Yard Setback**  
The Planning Commission has the option to postpone, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district. This lot was platted prior to Lake County Zoning regulations and is considered nonconforming due to the square footage and road frontage being less than the required minimum. The hardship is the size of the lot.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance



- The reasons set forth justify the granting of the Variance.
- The request is the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.
- Conditions particular to the property were not the result of the actions of the applicant. Lot was platted prior to Zoning Ordinances and not subdivided by the owners themselves.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The granting of the variance is not contrary to the public interest as all the adjoining landowners signed off in approval of the project.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- None.

**Action Item: Variance – Side yard setback**

Motion by Dale Thompson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Aaron Johnson. M/C All were ayes

**VARIANCE-20-06**

**Owner/Applicant:** Jamie & Tina Denne \* Applicants waived their personal appearance.

**Property Description:** Lot 13 Tract A Mader's 14th Addition in the SE ¼ of Section 4, Herman Township

**Zoning Designation:** "PD" Planned Development

**Request:** The applicant is requesting a Variance from the required minimum side yard setback.

**History/Issue(s):**

1. The applicants are requesting to build a new unattached garage in the backyard of their property in the Mader's Planned Development across from Lake Herman.
2. Lake County Ordinance requires that Planned Development setback shall be adopted at the time of rezoning from Agricultural District. If no other setback were adopted during this planning stage, the setback shall remain the setbacks of the underlying district. Agricultural District side yard setback for any structure shall remain a minimum of 30' from the property line. If the applicant cannot meet these setbacks, they shall go through the variance process.
3. They are requesting a 10' variance from the East side yard property line proposing the new structure to sit 20' off of the side yard property line.
  - b. They meet all other required (front, west side, rear, height) setbacks.
4. It would have been in the best interest of the developer at the time to ask to reduce these required setbacks in order for the lot owners to utilize their land as best as possible. The Planned Development is designed for high density smaller lot residential living and along with accessory structures. We acknowledge that conditions particular to the property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
5. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.
6. Staff recommendation – Variance – **Minimum Side Yard Setback**  
The Planning Commission has the option to postpone, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district. This Planned Development District should have developed a lesser setback for accessory structures during the approval phase in the high-density small lot residential development.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance
- The reasons set forth justify the granting of the Variance.
- The request is the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the PD district.
- Conditions particular to the property were not the result of the actions of the applicant.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare as all adjoining landowners signed off in approval of the proposed project.
- The granting of the variance is not contrary to the public interest.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- None.

**Action Item: Variance – Side yard setback**

Motion by Aaron Johnson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Doug Jerlow. M/C All were ayes

**CONDITIONAL USE #20-08**

**Owner/Applicant:** Brock & Kristen DeLay \* Applicants waived their personal appearance.

**Property Description:** Lot 7 Christiansen Sunrise Acres 1st Addition, SE ¼ of Section 26, Lakeview Township

**Zoning Designation:** "LP 1" –Lake Park-District 1 (Lake Madison)

**Request:** The applicant would like to build an oversized garage with greater dimensions.

**History/Issue(s):**

1. The applicant is requesting to build an attached garage on his new home.
  - a) Proposed overall dimensions will contain approx. 1,968 sq/ft and has a sidewall height of 10'.
  - b) This garage will be used for his own personal use, non-business and will have space for his vehicles, half bathroom, mechanical room, storage and an interior dog kennel area.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the "LP 1" District.
3. He meets all setbacks on this lot.
  - a) He is adjacent to a private road easement (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w.
  - b) Shall not be nearer than 9 feet to any side yard when attached to the home.
  - c) At least a rear yard setback of 10'.
  - d) The proposed structure meets the overall height requirement of no taller than 30'.
4. Staff recommendation – Conditional Use – **Oversized Attached Garage**  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized unattached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other attached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance.
- The granting of the conditional use would not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

**Action Item: Conditional Use – Oversized Attached Garage**

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Craig Johannsen. M/C All were ayes.

**CONDITIONAL USE #20-09**

**Owner/Applicant:** Joseph & Michelle Weisensee \* Applicants waived their personal appearance.

**Property Description:** Lots 9 & 10 Block D E. Spawns Subdivision in Government Lots 3-4-5 Section 10, Chester Township

**Zoning Designation:** “LP 2” –Lake Park-District 2 (Brant Lake)

**Request:** The applicant would like to build an oversized garage with greater dimensions.

**History/Issue(s):**

1. The applicant is requesting to build an unattached garage on his lot across the road from his property on Brant Lake.
  - c) Proposed overall dimensions of 40'x 42' will contain 1,680 sq/ft and has a sidewall height of 14'.
  - d) This garage will be used for his own personal use, non-business and for storage of his camper.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the “LP 2” District.
3. He meets all setbacks on this lot.
  - e) He is adjacent to a private road easement in the front and rear yard of the property and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w.
  - f) Shall not be nearer than 2 feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than 10' to the lot line.
  - g) The proposed structure meets the overall height requirement of no taller than 30'.
4. Staff recommendation – Conditional Use – **Oversized Unattached Garage**  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized unattached garages/accessory buildings are allowable as a conditional use in the LP 2– Lake Park District under certain conditions.
- There are other unattached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

**Action Item: Conditional Use – Oversized Unattached Garage**

Motion by Alan Schaefer to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Dale Thompson. M/C All were ayes.

**VARIANCE-20-07**

**Owner/Applicant:** Brian & Andrea Van Liere Architect – Angela Boersma (ID8Architecture, LLC) \* Applicants waived their personal appearance.

**Property Description:** Lot 2 Block C E. Spawns Subdivision in Government Lot 5, NE ¼ of Section 10, Chester Township

**Zoning Designation:** “LP-1” Lake Park District 1, Brant Lake

**Request:** The applicant is requesting a Variance from the required lake side averaging setback.

**History/Issue(s):**

1. The applicant is requesting to build a new lake home adjacent to Brant Lake. The old structure has been since destroyed due to major damages sustained during the September 2019 Flood event.
2. Where adjoining lots are developed with a setback greater than 25', Lake County Ordinance requires that a single-family structure in the Lake Park District-1 shall be the average of the setback of the adjoining lots on the rear (lake) side. If they cannot meet the setbacks, they shall go through the Variance process.
3. They are requesting an approx. 16 ½' Variance on the lakeside from the average of the developed lots.

- c. They meet all other required (front, sides, OHWM, height) setbacks.
4. We acknowledge that this lot was platted prior to Lake County Zoning regulations and is considered nonconforming due to the square footage only being approximately 6,525 sq. /ft. and the width only being approx. 45' on the road side. It is a lot of record. Conditions particular to the property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
  - c. Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
  - d. Minimum lot width requirement for LP-1 district is 75 feet.
5. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.
6. Staff recommendation – Variance – **Lake Side Averaging Setback**  
The Planning Commission has the option to postpone, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district. The adjacent lots built their cabins many years ago and are much smaller in size and set back farther towards the road.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance.
- The reasons set forth justify the granting of the Variance.
- The request is the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.
- Conditions particular to the property were not the result of the actions of the applicant.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The granting of the variance is not contrary to the public interest as all adjoining landowners signed off in approval.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- None.

**Action Item: Variance – Lake Side Averaging setback**

Motion by Craig Johannsen to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Aaron Johnson. M/C All were ayes

**PLATS:**

**A Plat of Lot 1 JB Nelson's Addition** in SE ¼ of Section 34-107-53 in Farmington Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the existing farmstead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

**A Plat of Mergen's Conservation Easement Tract 1** in the SW ¼ of Section 16-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "A" District. He is subdividing a tract of land for the conservation wetland reservation easement. Meets Lake County Regulations and the taxes have been paid in full. Remaining un-platted land must meet the Comprehensive Land Use Plan, Zoning Ordinance and Subdivision Ordinance in order for it to be a buildable lot. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Dale Thompson. M/C All were ayes.

**A Plat of Tract 3, 4 & 5 of Brown's Addition** in the E ½ of the SE ¼ of Section 13-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing the existing farmland into parcels that can be divided for family asset purposes. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

**PUBLIC COMMENT:**

None

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:03 AM.

**REGULAR**  
**July 8, 2020**

**PLANNING**  
**08:00 AM**

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:00 AM in the County Commission Board Room.

**ROLL CALL:**

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Aaron Johnson, and official Mandi Anderson were all present. Doug Jerlow and Gene Anderson were excused from today's meeting.

**AGENDA/ADDITIONS:**

None.

Motion by Craig Johannsen to approve the agenda. Second by Aaron Johnson. M/C All were ayes.

**MINUTES/CORRECTIONS:**

Motion by Dale Thompson to approve June 10th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**CONDITIONAL USE #20-10**

\* Applicants waived their personal appearance.

**Owner/Applicant:** Asphalt Pros, Inc. – Matt Jeratowski & Duston Seitz

**Property Description:** Lot 1 Excluding H-1 & Excluding E 555' N 117' Doerr's Addition & Lot 1 Excluding Lot H-1 Doerr's Addition & Lot 7 Excluding E 30' & Excluding Lot H-1 Barger's Subdivision all in the SE ¼ of Section 2-106-53, Herman Township

**Zoning Designation:** "C/I" District

**Request:** The applicant would like to request a Contractor's Shop and Yard.

**History/Issue(s):**

1. The business does work on both commercial and residential properties with asphalt paving, patching, sealcoating, crack filling and line striping as well as snow removal and ice melt services in the winter months. Applicant is requesting to move their current business to this new location and to utilize the existing structures and yard.
2. Lake County Ordinance requires that a land owner go through the Conditional Use process to request a Contractor Shop and Yard.
3. When located within the Commercial Industrial District the lot area shall be no less than 2 acres. All structures must meet a front yard setback of 100 feet in depth, side yard of 100 feet when located adjacent to a residential lot and all other sides shall be a minimum of 50 feet. No building shall be constructed within 50 feet on the rear lot line.
  - a) The main office space 40x70 existing structure meets all setbacks. There is an existing 40x40 shed that does not meet the side yard setback but does meet the front, rear and height setback requirements, it will only be utilized as storage. This is an existing structure and we recognize its current location. The newly proposed structure to be an addition onto the office space area and will meet all setbacks of the district according to the proposed site plan provided.
  - b) For commercial uses, buildings shall occupy no more than 25% of the lot. They meet this requirement.
4. Staff recommendation – Conditional Use – **Contractor Shop and Yard**  
Staff Recommends approval of the Conditional Use request.  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Contractor Shop and Yards are allowable as a conditional use in the "C/I" District under certain conditions and it is the opinion of the board that granting this use would not be detrimental to other uses and is in the general character of the other uses in the district.
- No new structure shall be built without meeting the current required area setbacks of the "C/I" District.

- There are other contractor shops and yards in the district so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance.
- The granting of the conditional use will not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- NONE

**Action Item: Conditional Use – Contractor Shop and Yard**

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Alan Schaefer. M/C All were ayes.

**CONDITIONAL USE #20-11**

\* Applicants waived their personal appearance.

**Owner/Applicant:** Jay Shank

**Property Description:** Lot 13 Nordstrom's Addition in Section 25-106-52, Lakeview Township

**Zoning Designation:** "LP 1" –Lake Park-District 1 (Lake Madison)

**Request:** The applicant would like to build an oversized unattached garage with greater dimensions.

**History/Issue(s):**

1. The applicant is requesting to build a garage on his lot that sits off of Lake Madison.
  - a) Proposed overall dimensions of 40' x 40' will contain 1,600 and has a sidewall height of 12'.
  - b) This garage will be used for his own personal use, non-business.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the "LP 1" District.
3. He meets all setbacks on this lot.
  - a) He is adjacent to a private road (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w.
  - b) Shall not be nearer than 2 feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than 10' to the lot line.
  - c) The proposed structure meets the overall height requirement of no taller than 30'.

4. Staff recommendation – Conditional Use – **Oversized Unattached Garage**

The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized unattached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other unattached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;

- Utilities, refuse, and service areas;
- Screening and Buffering;
- Signs;
- Required yards and other open space; and
- General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

#### **Action Item: Conditional Use – Oversized Unattached Garage**

Motion by Alan Schaefer to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Aaron Johnson. M/C All were ayes.

#### **VARIANCE-20-08**

\* Applicants waived their personal appearance.

**Owner/Applicant:** Kurt & Diane Gildemaster

**Property Description:** Lot 36 Hilde's Addition in SW ¼ of Section 23-106-52, Lakeview Township

**Zoning Designation:** "LP-1" Lake Park District 1, Lake Madison

**Request:** The applicant is requesting a Variance from the required lake side averaging setback.

#### **History/Issue(s):**

1. The applicant is requesting to build a new lake home adjacent to Lake Madison. The old structure will entirely be removed excluding the existing boathouse. Proposing to build a two-story log style home with a lower level walkout. They are asking to position the new home in the same location as the existing home. If they were forced to move the proposed structure back towards the road side they would not be able to obtain the lower level walkout layout they are proposing.
2. Where adjoining lots are developed with a setback greater than 25', Lake County Ordinance requires that a single-family structure in the Lake Park District-1 shall be the average of the setback of the adjoining lots on the rear (lake) side. If they cannot meet the setbacks, they shall go through the Variance process.
3. They are requesting an approx. 29 ½' Variance on the lakeside from the average of the developed lots.
  - a. They meet all other required (front, sides, OHWM, height) setbacks.
4. Noted in 2015 the single-family home on the adjacent Lot 35 was removed and destroyed. That lot now continues to use their existing garage with living as their new primary structure. It is situated towards the front yard/road of the lot and has a very generous lakeside frontage. Conditions particular to the adjacent property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
5. Three Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained. Not able to get into contact with the neighbor across the road, they were sent a certified letter including the letter of intent, site plan, home plans and the signature sheet.
6. Staff recommendation – Variance – **Lake Side Averaging Setback**

The Planning Commission has the option to postpone, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other land, structures, or buildings in the same district. The adjacent lot decided not to rebuild the single-family home and utilize the existing garage structure with living as their new primary structure.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance.
- The reasons set forth justify the granting of the Variance.
- The request is the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.
- Conditions particular to the property were not the result of the actions of the applicant.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The granting of the variance is not contrary to the public interest as all adjoining landowners signed off in approval.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- None.

**Action Item: Variance – Lake Side Averaging setback**

Motion by Aaron Johnson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Dale Thompson. M/C All were ayes

**PLATS:**

**A Plat of Lot 2 of Block 4 of Woodland's 72nd Addition in Government Lot 5 of Section 23-106-52** in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing a lot for future single-family residential use. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

**A Plat of Lot 1 of Leighton Homestead Addition in the SE ¼ of Section 11-107-51** in Rutland Township was presented to the Planning Commission. This plat is located in the "A" District. Resubdividing existing homestead for refinancing purposes. Meets Lake County Regulations and the taxes have been paid in full. Motion by Dale Thompson to recommend the approval of this plat to the County Commission. Second by Craig Johannsen. M/C All were ayes.

**PUBLIC COMMENT:**

None.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Alan Schafer. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:44 AM.



The regular meeting of the Lake County Planning Commission was called order at the hour of 08:01 AM in the County Commission Board Room.

**ROLL CALL:**

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson, and official Mandi Anderson were all present. Gene Anderson was excused from today's meeting.

**AGENDA/ADDITIONS:**

None.

Motion by Craig Johannsen to approve the agenda. Second by Dale Thompson. M/C All were ayes.

**MINUTES/CORRECTIONS:**

Motion by Aaron Johnson to approve July 8th minutes sent to them by mail. Second by Craig Johannsen. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**CONDITIONAL USE #20-12**

\* Applicants waived their personal appearance.

**Owner/Applicant:** Brian & Andrea Van Liere

**Property Description:** Lots 33-34-35 Block D E. Spawns Subdivision in Government Lots 3-4-5 Section 10, Chester Township

**Zoning Designation:** "LP 2" –Lake Park-District 2 (Brant Lake)

**Request:** The applicant would like to build an oversized garage with greater dimensions.

**History/Issue(s):**

1. The applicant is requesting to build an unattached garage on his lot in the middle row of Spawns Circle on Brant Lake.
  - a) Proposed overall dimensions of 44'x 48' will contain 2,112 sq/ft and has a sidewall height of 10'.
  - b) This garage will be used for his own personal use, non-business for storage.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the "LP 2" District.
3. He meets all setbacks on this lot.
  - a) He is adjacent to a private road easement in the front and rear yard of the property and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w.
  - b) Shall not be nearer than 2 feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than 10' to the lot line.
  - c) The proposed structure meets the overall height requirement of no taller than 30'.
4. Staff recommendation – Conditional Use – **Oversized Unattached Garage**  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized unattached garages/accessory buildings are allowable as a conditional use in the LP 2– Lake Park District under certain conditions.
- There are other unattached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:

- Entrance and exit to property and proposed structures thereon;
- Off-street parking and loading areas;
- Utilities, refuse, and service areas;
- Screening and Buffering;
- Signs;
- Required yards and other open space; and
- General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

#### **Action Item: Conditional Use – Oversized Unattached Garage**

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Aaron Johnson. M/C All were ayes.

#### **VARIANCE-20-09**

\* Applicants waived their personal appearance.

**Owner/Applicant:** Tyler & Sarah Frost

**Property Description:** Lots 1 & 2 in Block 2 Lemme Addition in the W ½ of NE ¼ of Section 11, Herman Township

**Zoning Designation:** “PD” Planned Development

**Request:** The applicant is requesting a Variance from the required minimum side and rear yard setback.

#### **History/Issue(s):**

1. The applicants are requesting to build a new unattached garage in the backyard of their property in the Lemme’s Planned Development. The structure is accessory to his single-family home and will be used for his personal non-business residential storage.
2. Lake County Ordinance requires that Planned Development setback shall be adopted at the time of rezoning from Agricultural District. If no other setback were adopted during this planning stage, the setback shall remain the setbacks of the underlying district. Agricultural District side yard setback for any structure shall remain a minimum of 30’ from the property line. Agricultural District rear yard setback for any structure shall have a depth of not less than 50’ or 20% of the depth of the buildable lot. If the applicant cannot meet these setbacks, they shall go through the variance process.
3. They are requesting a 10’ variance from the North side yard property line proposing the new structure to sit 20’ off of the side yard property line. Requesting a 15’ variance from the rear lot line, required is 20% of the buildable lot (35’ rear setback) proposing the new structure to sit 20’ off the rear property line.
  - a. They are requesting to utilize the existing gravel access easement on the north end of the property.
  - b. They meet all other required (front, south side, height) setbacks.
4. It would have been in the best interest of the developer at the time to ask to reduce these required setbacks in order for the lot owners to utilized their land as best as possible. The Planned Development is designed for high density smaller lot residential living and along with accessory structures. We acknowledge that conditions particular to the property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
5. All but 1 adjoining neighbor have been contacted and they raise no objections to the proposed project, their signatures were obtained. Landowner to the East was notified via certified mail as required by Section 505 Lake County Zoning Ordinance.
6. Staff recommendation – Variance – **Minimum Side and Rear Yard Setback**  
The Planning Commission has the option to postpone, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- The request is the minimum variance that will make possible the reasonable use of the land, building or structure.
- The variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance.
- The reasons set forth justify the granting of the variance.
- The granting of the variance is not contrary to the public interest as the majority of the adjoining neighbors have signed off in approval.
- All adjoining landowners have been notified.

- Conditions particular to the property were not the result of the actions of the applicant and a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the PD district.
- That the non-conforming USE of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming USE of lands, structures, or buildings in other districts was not considered grounds for the issuance of this variance.
- That there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved. During the rezoning process of this small planned development district, the option for decreasing side and rear yard setbacks for accessory structures was not offered. Other planned development districts since have decreased their setbacks during the development phase process.
- By reason of exception, narrowness, shallowness or shape of a specific piece of property. Lot was platted to include the road right of way which reduces the buildable area in the front yard and forces structures towards the rear of the property to meet a front yard setback. Thus, the lot becomes shallow.
- Landowner wishes to utilize an existing property access easement that lies along the Northern property line. This is particular to this property alone and does not exist on other PD lots.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- None.

#### **Action Item: Variance – Side and Rear yard setback**

Motion by Dale Thompson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the specific findings outlined in the staff report. Second by Aaron Johnson. M/C All were ayes

#### **VARIANCE-20-10**

\* Applicants waived their personal appearance.

**Owner/Applicant:** Derek & Jeannie Williams

**Property Description:** Structures on Real property Hares Beach Lot CH-102, Portion Lot 1 #765 Hare's Beach in NW ¼ of Section 30-106-51, Wentworth Township

**Zoning Designation:** "LP 2" – Lake Madison

**Request:** The applicant is requesting a Variance from the required minimum side yard setbacks.

#### **History/Issue(s):**

1. The applicant is requesting to build an addition onto their existing lake home on leased land on Lake Madison.
  - a. The proposed addition is located on the North side or road side of the property. The addition will include a main level garage 32'x34' and a second upper level living area.
2. Lake County Ordinance requires that a single-family structure in the Lake Park District-2 must have a minimum side yard setback of 9'. If they cannot meet the setbacks, they shall go through the Variance process.
  - a. They are requesting an approx. 1' variance from both designated side yard property lines, proposing the new structure to sit 8' off the line. They meet all other required (front, rear, height) setbacks.
3. We acknowledge that this designated lot was dedicated by the land owners prior to Lake County Zoning regulations and is considered nonconforming due to the square footage only being approximately 6,000 sq. /ft. and the width only being 50' on the road side. Conditions particular to the property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
  - a. Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
  - b. Minimum lot width requirement for LP-1 district is 75 feet.
4. Adjoining neighbors and landowner have been contacted. They have raised no objections to the Variance request. Their signatures were obtained.
5. Staff recommendation – Variance – **Minimum Side Yard setbacks**  
 Staff Recommends approval of the Variance request.  
 The Planning Commission has the option to table, recommend granting of the variance to the Board of Adjustment, or recommend denial of the variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- The request is the minimum variance that will make possible the reasonable use of the land, building or structure.
- The variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance.
- The reasons set forth justify the granting of the variance.

- The granting of the variance is not contrary to the public interest as the landowner and all adjoining neighbors have signed off in approval.
- All adjoining neighbors and landowners have been notified.
- Conditions particular to the property were not the result of the actions of the applicant and a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-2 district.
- That the non-conforming USE of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming USE of lands, structures, or buildings in other districts was not considered grounds for the issuance of this variance.
- That there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved.
- By reason of exception, narrowness, shallowness or shape of a specific piece of property. Designated lot was dedicated by the land owners prior to Lake County Zoning regulations and is considered nonconforming due to the square footage only being approximately 6,000 sq. /ft. and the width only being 50' on the road side.
- Applicant's request is the minimum variance that will make reasonable use of the existing structure by constructing the proposed addition to sit no closer than the existing to the shared designated lot lines.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- None.

**Action Item: Variance – Minimum Side Yard setbacks**

Motion by Aaron Johnson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the specific findings outlined in the staff report. Second by Doug Jerlow. M/C All were ayes

**PLATS:**

**A Plat of Lot 2 Scully's 1st Addition in Government Lot 1 of the NW ¼ of Section 32-106-51** in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing a lot for future single-family residential use. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Craig Johannsen. M/C All were ayes.

**A Plat of Tract 1 and Tract 2 of Pitts Addition in the SW ¼ of the NW ¼ of Section 1-105-51** in Chester Township was presented to the Planning Commission. This plat is located in the "A" District. Resubdividing existing homestead for to add land into Tract 1. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

**A Plat of Lot 11 of Block 3 of Woodland's 54th Addition in Government Lot 7 of Section 22-106-52** in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing a lot for future single-family residential use. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**A Plat of Lot 31 of Block 1 of Woodland's 73rd Addition in Government Lot 8 of Section 22-106-52** in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing a lot for future single-family residential use. Meets Lake County Regulations and the taxes have been paid in full. Motion by Doug Jerlow to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**A Plat of Lot 2 of Block 8 of Lakes Community Addition in the NE ¼ of Section 22-106-51** in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing a lot for future single-family residential use. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**PUBLIC COMMENT:**

Justin Olson- can I reapply for the variance again for his garage? This time with a 10' setback. He has questions about variances.

Motion by Dale Thompson to adjure the Planning Commission Meeting. Second by Alan Schafer. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:45 AM.

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:00 AM in the County Commission Board Room.

**ROLL CALL:**

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson, and official Mandi Anderson were all present. Gene Anderson was excused from today's meeting.

**AGENDA/ADDITIONS:**

None.

Motion by Craig Johannsen to approve the agenda. Second by Aaron Johnson. M/C All were ayes.

**MINUTES/CORRECTIONS:**

Motion by Dale Thompson to approve August 12th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**CONDITIONAL USE #20-13**

\*Applicant waiver right to personal appearance

**Owner/Applicant:** Jamie & Crystal Marlow Brandon Marlow- Contractor

**Property Description:** Lot 10 Johnsons Subdivision Outlot A Johnson Park & Lot B Bechtold's 1st Addition in the SE ¼ of Section 31-106-51, Wentworth Township

**Zoning Designation:** "LP 1" –Lake Park-District 1 (Lake Madison)

**Request:** The applicant would like to build an oversized unattached garage with greater dimensions.

**History/Issue(s):**

1. The applicant is requesting to build a garage on their lot that sits off of Lake Madison.
  - a) Proposed overall dimensions of 30'x 60' will contain 1,800 sq/ft and has a sidewall height of 14'.
  - b) This garage will be used for his own personal use, non-business.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the "LP 1" District.
3. He meets all setbacks on this lot.
  - a) He is adjacent to a private road (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w.
  - b) Shall not be nearer than 2 feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than 10' to the lot line.
  - c) The proposed structure meets the overall height requirement of no taller than 30'.
4. Staff recommendation – Conditional Use – **Oversized Unattached Garage**  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized unattached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other unattached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;

- Utilities, refuse, and service areas;
- Screening and Buffering;
- Signs;
- Required yards and other open space; and
- General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

**Action Item: Conditional Use – Oversized Unattached Garage**

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Craig Johannsen. M/C All were ayes.

**PLATS:**

**A Plat of Lot 1 & 2 of Konshak's Addition in the SE ¼ of Section 29-107-52** in Leroy Township was presented to the Planning Commission. This plat is located in the "A" District. Resubdividing existing homestead into Lot 1 and combine remaining adjacent farmland into Lot 2. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

**A Plat of Lot 44 of Block 1 of Woodland's 58th Addition in Government Lot 7 of Section 22-106-52** in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing a lot for future single-family residential use. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Dale Thompson. M/C All were ayes.

**PUBLIC COMMENT:**

Matt Jeratowski- Asphalt Pros business owner, requesting the board to considered adding "racing parts and equiptment sales" to the Zoning Ordinance. He would like to sell them out of his Asphalt Pros Contractor Shop.

Motion by Doug Jerlow to adjure the Planning Commission Meeting. Second by Alan Schafer. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:19 AM.

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:00 AM in the County Commission Board Room.

**ROLL CALL:**

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Aaron Johnson, and official Mandi Anderson were all present. Gene Anderson and Doug Jerlow were excused from today's meeting.

**AGENDA/ADDITIONS:**

None.

Motion by Aaron Johnson to approve the agenda. Second by Craig Johannsen. M/C All were ayes.

**MINUTES/CORRECTIONS:**

Motion by Dale Thompson to approve September 9th minutes sent to them by mail. Second by Aaron Johnson. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**PLATS:**

**A Plat of Tract 1 of Tweet Addition in the NE ¼ of Section 6-107-51** in Rutland Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the existing homestead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

**A Plat of Tract 2 of Hummel Addition in the N 1/2 of the SW ¼ of Section 32-105-51** in Chester Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing a lot for future potential single-family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Dale Thompson. M/C All were ayes.

**A Plat of Lots 1A & 2A of Lerdal's Addition in the NE ¼ of Section 30-106-51** in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Resubdividing two existing lots to allow for additional footage for accessory structures on Lot 1A. Meets Lake County Regulations and the taxes have been paid in full. Motion by Dale Thompson to recommend the approval of this plat to the County Commission. Second by Craig Johannsen. M/C All were ayes.

**A Plat of Lots 2 & 6 in Block 2 of Lakes Community Addition in the South ½ of Section 32-106-51** in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing lots for future single-family residential use. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**A Plat of Lots 1-3 of Lakes Community 2nd Addition in the NE ¼ of Section 5-105-51 and the SE ¼ of Section 32-106-51** in both Chester and Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1 & A" Districts. Resubdividing Block 11 in to Lots 2 & 3, platting Lot 1 to request annexation into Lake Madison Sanitary District to allow for LP-3 District development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.



**A Plat of Lots 1 and 2 in Block 5A of Silver Creek Lakes Addition in a part of County Auditors Subdivision of Lot 4 in Government Lot 4 in Section 32-106-51** in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing lots for future potential multi-family twin home residential use. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Dale Thompson. M/C All were ayes.

**APPLICATIONS:**

**CONDITIONAL USE #20-14**

\*Applicant waiver their right to personal appearance.

**Owner/Applicant:** Jerry Cozad

**Property Description:** Lot 3 Johnsons Sub Outlot A Johnson Park in the SE ¼ of Section 31-106-51, Wentworth Township

**Zoning Designation:** "LP 1" –Lake Park-District 1 (Lake Madison)

**Request:** The applicant would like to build an oversized attached garage with greater dimensions.

**History/Issue(s):**

1. The applicant is requesting to build a garage with living above on their lot that sits off of Lake Madison.
  - a) Proposed dimensions of garage are 48' x 32' will contain 1,536 sq/ft and has a garage sidewall height of 10'.
  - b) There is an existing manufactured home on the property that will be moved to another location. It meets the required 15 year or newer from manufactures date regulation.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the "LP 1" District.
3. He meets all setbacks on this lot.
  - a) He is adjacent to a private road (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w or road easement.
  - b) Shall not be nearer than 9 feet to any side lot line and at least 10' from the rear yard if not a lake front lot.
  - c) The proposed structure meets the overall height requirement of no taller than 30'.
4. Staff recommendation – Conditional Use – **Oversized Attached Garage**  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized attached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other attached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

**Action Item: Conditional Use – Oversized Attached Garage**

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Aaron Johnson. M/C All were ayes.

## **CONDITIONAL USE #20-15**

\*Applicant waiver their right to personal appearance.

**Owner/Applicant:** Tim Basler

**Property Description** Government Lot 1 Except the North 660'; Government Lot 5; Government Lot 6; SW1/4 NW1/4 Excluding the West 500' South 600'; Excluding BASLERS RESORT & Excluding North BASLER'S ADD & Excluding BASLER CAMPGROUND all in Section 4 of Chester Township

**Zoning Designation:** "LP 1" –Lake Park-District 1 (Brant Lake)

**Request:** The applicant would like to build an oversized unattached accessory building with greater dimensions.

### **History/Issue(s):**

1. The applicant is requesting a conditional use for the oversized pole building he built last month on his farm property that is located in the Lake Park District.
  - a) Dimensions are 42'x64' that contains 2,688 sq/ft with a sidewall height of 16'.
  - b) Building is used for farm equipment storage. This is non-business and for his own personal use.
  - c) Building permit #9548 was issued in error on August 4, 2020 by the Zoning Official. Initially thought this lot was in the "A" District but in fact it is located in Brant Lake Sanitary District making it a "LP" property.
  - d) This request is to show compliance and properly be permitted to allow for such a size building in this district.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the "LP 1" District.
3. He meets all setbacks on this lot.
  - a) He is located on his private property and is nowhere near a private or public road way or side yards. Meets the setback requirements from Brant Lake. The proposed structure meets the overall height requirement of no taller than 30'.
4. Staff recommendation – Conditional Use – **Oversized Unattached Accessory Building**  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized unattached accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other unattached oversized accessory buildings around the lake so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

### **Action Item: Conditional Use – Oversized Unattached Accessory Building**

Motion by Aaron Johnson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Alan Schaefer. M/C All were ayes.

## **CONDITIONAL USE #20-16**

\*Applicant waiver their right to personal appearance.

**Owner/Applicant:** Richard Bothwell

**Property Description:** Block 5A Silver Creek Lakes Addition in a part of County Auditors Subdivision Lots 1 & 4 in Government Lots 3,4 & 5 in Section 32-106-51 to be subdivided and known as: Lots 1 & 2 of Block 5A Silver Creek Lakes Addition in a part of County Auditors Subdivision of Lot 4 in Government Lot 4 in Section 32 of Wentworth Township

**Zoning Designation:** "LP 1" –Lake Park-District 1 (Round Lake)

**Request:** The applicant would like to build multifamily units, twin homes.

**History/Issue(s):**

1. Applicant is requesting to build a twin home on each newly proposed lot to be platted.
  - a) Mirror image twin homes. Each home will consist of 3 bedrooms, 2 bathrooms with living and kitchen area and an attached approx. 900 sq/ft garage.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build multi-family dwellings in the Lake Park -1 District.
3. The new lots meet the schedule of regulations for the minimum density and required square footage for this proposed twin home.
4. The proposed structures meet all the required setbacks on both lots.
5. Staff recommendation – Conditional Use – **Multi-family Dwellings**  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Multi-family homes are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are several multi-family homes in this same area of the lake.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

**Action Item: Conditional Use – Multi-family Dwellings**

Motion by Alan Schaefer to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Aaron Johnson. M/C All were ayes.

**CONDITIONAL USE #20-17**

\*Applicant waiver their right to personal appearance.

**Owner/Applicant:** Thomas (Bill) & Ingrid Engler

**Property Description:** Lot 2 of Block 4 of Woodland's 72nd Addition in Gvt Lot 5 of Section 23, Lakeview Township

**Zoning Designation:** "LP 1" –Lake Park-District 1 (Lake Madison)

**Request:** The applicant would like to build an oversized attached garage with greater dimensions.

**History/Issue(s):**

1. The applicant is requesting to build a new house with an attached garage that is larger than Ordinance allows.
  - a) Proposed dimensions of garage are 39'x31'x48'x33' and will contain approx 1,405 sq/ft with a garage sidewall height of 10'.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the "LP 1" District.
3. He meets all setbacks on this lot.
  - a) He is adjacent to a private road (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w or road easement.
  - b) Shall not be nearer than 9 feet to any side lot line and at least 10' from the rear yard if not a lake front lot.
  - c) The proposed structure meets the overall height requirement of no taller than 30'.
4. Staff recommendation – Conditional Use – **Oversized Attached Garage**  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized attached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other attached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

**Discussion:** Question from a public member. Dale & Arlene Demers that live at 713 Best Point Drive wanted to know if it was a garage attached to a house or an unattached. No concerns once they were informed it was attached and only 200sq/ft more than what is permitted.

**Action Item: Conditional Use – Oversized Attached Garage**

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Craig Johannsen. M/C All were ayes.

**CONDITIONAL USE #20-18**

\*Applicant waiver their right to personal appearance.

**Owner/Applicant:** Makenda, LLC Brian Kern

**Property Description:** Lot 2 Evergreen Acres in the NW ¼ of Section 36-106-52, Lakeview Township

**Zoning Designation:** “LP 1” –Lake Park-District 1 (Lake Madison)

**Request:** The applicant would like to build an oversized attached garage with greater dimensions.

**History/Issue(s):**

1. The applicant is requesting to build an addition onto the existing attached garage with larger dimensions than Ordinance allows.
  - a) Proposed dimensions of the garage addition are 10’x18’ with the overall dimensions of both the existing and addition to be 1,503 sq/ft with a garage sidewall height of 10’.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12’ and greater than 1,200 sq/ft in the “LP 1” District.
3. He meets all setbacks on this lot.
  - a) He is adjacent to a private road (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w or road easement.
  - b) Shall not be nearer than 9 feet to any side lot line.
  - c) The proposed structure meets the overall height requirement of no taller than 30’.

**4. Staff recommendation – Conditional Use – Oversized Attached Garage**

The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Oversized attached garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.

- There are other attached oversized garages around the lake so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- The granting of the conditional use would not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- None.

**Action Item: Conditional Use – Oversized Attached Garage**

Motion by Aaron Johnson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Alan Schaefer. M/C All were ayes.

**CONDITIONAL USE #20-19**

\*Applicant waiver their right to personal appearance.

**Owner/Applicant:** Thomas Hofer - Rustic Acres Hutterian Brethren, Inc, Robert Gehm- Northwestern Energy

**Property Description** NE ¼ of NE ¼ of NW ¼ of Section 9, Franklin Township

**Zoning Designation:** “A” Agricultural District

**Request:** The landowner and applicant are requesting a public utility gas regulator station.

**History/Issue(s):**

1. The applicant is requesting to construct a public utility natural gas regulator station. This same parcel of land has an existing swine CAFO located to the East. This proposed structure site will not affect the current CAFO barns or lagoons on site.
  - a) A proposed easement will be placed on the property to allows for the regulator site to be constructed, maintained and accessed by Northwestern Energy.
  - b) It will be a fenced in area to house the equipment.
  - c) This pipeline will allow Rustic Acres to convert over to natural gas as well as other landowners to tap into it along the line.
  - d) Rustic Acres is located approximately 3 miles South of this site.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process when located in the “A” District to construct an essential public utility structure. Article XI 1101.03 Conditional Use #16.
3. The proposed structure meets the required list of setbacks for structures located in the “A” District.
4. Franklin Township has been contacted and raises no objection to the dual use of the existing approach and their signature was obtained in approval.
5. Staff recommendation – Conditional Use – **Public Utility Gas Regulator Station**  
The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Essential public utility sites are allowed in the “A” District under certain conditions.
- There are other gas regulator sites in the “A” District so it would be generally compatible with adjacent properties and other property in the district.
- There is an essential need for this utility in the area.
- Franklin Township signed off in approval of the dual use of the existing approach.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.
- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:

- Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
  - The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
  - The granting of the conditional use would not adversely affect the public interest.
- If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:
- None.

**Action Item: Conditional Use – Public Utility Gas Regulator Station**

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Craig Johannsen. M/C All were ayes.

DISCUSSION ITEM: SB-157 Shelli Gust, Lake County State’s Attorney’s Office, presented the policy changes that Senate Bill -157 included. More discussion in the future and actions will be anticipated with direction from First District.

BREAK FROM 8:56 AM – 9:02 AM

**VARIANCE-20-11**

**Owner/Applicant:** Jeffrey & Debra Luther (both in attendance)

**Property Description:** Lot 2 Woods Resort in the SW ¼ of Section 31-106-51, Wentworth Township

**Zoning Designation:** “LP 1” – Lake Madison

**Request:** The applicant is requesting a Variance from the required setbacks in the Lake Park -1 District.

**History/Issue(s):**

1. The applicant is requesting to rebuild a three-story single family home next to Lake Madison.
  - a. The existing home was recently removed due to extreme foundation issues. According to the applicant it became unsafe to inhabit as the whole home was shifting.
2. Lake County Ordinance requires that a single-family structure in the Lake Park District-1 must have a;
  - a. Minimum side yard setback of nine (9) feet.
  - b. If located next to a public road must have a front yard/road side property line setback of thirty (30) feet minimum.
  - c. Twenty-five-foot (25’) lake side setback from the OHWM (this includes any proposed projections of the home, such as a wooden deck)
  - d. Must have at least a four-foot (4’) lake side elevation from the OHWM
  - e. The overall height measurement from ground level to the tallest peak of the home, measurement is taken from the road side (30’ is maximum height)
3. We acknowledge that this lot was platted prior to Lake County Zoning regulations and is considered nonconforming. The lot has unknown square footage density but the lot is known to only have a width of 50’ on the road side. Conditions particular to the property were not the result of the actions of the applicant.
  - a. Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
  - b. Minimum lot width requirement for LP-1 district is 75 feet.
4. Adjoining neighbor has been contacted. They have raised no objections to the rebuild request. This property is located next to our Lake County road and the Superintendent was contacted and his concerns and without a proper survey and site plan to determine the requested setbacks does not feel comfortable with the rebuild request.
5. Staff cannot make a determination on what variances the applicant needs because a competed survey and site plan was not provided. Staff cannot make a recommendation to the board.

**Discussion:**

Jeff Luther presented with his wife, Debra, and spoke about some history of the area and lot. He purchased it 5 years ago and at that time had a structure inspection done with no concerns at that time. Recently he noticed the old home with starting to shift and the doors and windows started to show changes and gaps. It was suggested no longer to reside in the home because it was unsafe. After some investigating, they determined that the structure needed to be removed and demolition in the end was the only option they had. The previous owners did not partake in the shoreline restoration project which left the shoreline washed out on the lake side property. They have now filled in the shoreline with rip-rap and they approximate that added 27 more feet depth to the lot. They were not interested in having the lot surveyed for a site plan because of past history on another lot that became a nightmare with a

survey company. He noticed that other homes along the stretch do not meet any setbacks either. He has a hardship. He cannot meet the setbacks.

The commissioners sympathize with his situation but require a site survey with a site plan in order to determine what variances he is requesting.

Jeff noted that a barrier or temporary block needed to be placed for safety precautions because of the sheer drop off.

**Action Item: Variance – Lake Park District -1 Setbacks**

Motion by Dale Thompson to postpone the variance #20-11 until the applicant is able to obtain the proper information required for the proposed site plan. Variance #20-11 may come back for a Planning Commission Board recommendation if the site plan is completed. The next scheduled Planning Meeting date of November 10th, 2020. Second by Aaron Johnson. M/C All were ayes.

DISCUSSION ITEM: Retail Sales and Services in the Commercial/Industrial District. Members of the public included Charlie Scholl Galen Backus and Mary Arshem from the Daily Leader. Opinions were anonymous that this should be added to the district under a Conditional Use. Would like the opinions and recommendations of First District to draft an amendment to include the addition of retail sale and services, definitions to such and any other specific requirements. Would like the Zoning Official to coordinate a special meeting with Planning Commissioners inviting the County Commissioners and the public to attend if interested just for this topic.

Commissioner Dale Thompson excused himself from the rest of the meeting. 9:50 AM.

DISCUSSION ITEM: Accessory Structures in the Lake Park Districts 1, 2, 3. After a short discussion the following changes are suggested:

The following changes are:

Section 1103. Lake Park District-1 under **Permitted Uses** #6 Shall read: Unattached garages, sheds and accessory buildings shall be limited to maximum dimensions of 2,000 square feet, and shall have sidewall maximum height of sixteen feet.

Section 1103. Lake Park District-1 under **Permitted Uses** add #8 and shall read: Attached garages dimensions and sidewall height shall conform to the design of the house.

Section 1103. Lake Park District-1 under **Conditional Uses** #6 Shall read: Unattached garages, sheds and accessory buildings with dimensions greater than 2,000 square feet and/or sidewalls greater than sixteen feet in height.

Section 1104. Lake Park District-2 under **Permitted Uses** #6 Shall read: Unattached garages, sheds and accessory buildings shall be limited to maximum dimensions of 2,000 square feet, and shall have sidewall maximum height of sixteen feet.

Section 1104. Lake Park District-2 under **Permitted Uses** add #8 and shall read: Attached garages dimensions and sidewall height shall conform to the design of the house.

Section 1104. Lake Park District-2 under **Conditional Uses** #5 Shall read: Unattached garages, sheds and accessory buildings with dimensions greater than 2,000 square feet and/or sidewalls greater than sixteen feet in height.

Section 1105. Lake Park District-3 under **Permitted Uses** #1 Shall read: Private and Commercial Storage Facilities containing no more than six thousand (6,000) square feet and do not have sidewalls with a height greater than sixteen (16) feet.

Section 1105. Lake Park District-3 under **Conditional Uses** #2 Shall read: Private and Commercial Storage Facilities containing more than six thousand (6,000) square feet and have sidewalls with a height greater than sixteen (16) feet.

**PUBLIC COMMENT:** None.

Motion by Alan Schaefer to adjure the Planning Commission Meeting. Second by Aaron Johnson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 10:15 AM.

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:05 AM in the County Commission Board Room.

**ROLL CALL:**

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson, and official Mandi Anderson were all present. Gene Anderson was excused from today's meeting.

**AGENDA/ADDITIONS:**

None.

Motion by Craig Johannsen to approve the agenda. Second by Aaron Johnson. M/C All were ayes.

**MINUTES/CORRECTIONS:**

Motion by Dale Thompson to approve October 14th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**VARIANCE-20-12**

\*Applicant signed the waiver of personal appearance

**Owner/Applicant:** Karla Cazer, Lubben Trust                      Contractor- Gib Ganschow

**Property Description:** Lots 11-12-13 Block 9 & Lot 11 & W ½ of Lot 12 Block 10 of Wentworth Park and the vacated road portion between lots, in the SE ¼ of Section 30 of Wentworth Township

**Zoning Designation:** "LP 1" – Lake Madison

**Request:** The applicant is requesting a Variance from the required lake side averaging setback.

**History/Issue(s):**

1. The applicant is requesting to build a new lake home adjacent to Lake Madison. The old structure will entirely be removed excluding the existing detached garage. Proposing to build a two-story home.
2. Where adjoining lots are developed with a setback greater than 25', Lake County Ordinance requires that a single-family structure in the Lake Park District-1 shall be the average of the setback of the adjoining lots on the rear (lake) side. If they cannot meet the setbacks, they shall go through the Variance process.
3. They are requesting an approx. 18' Variance on the lakeside from the average of the developed lots.
  - a. They meet all other required (front, sides, OHWM, height) setbacks.
4. Noted that earlier this year the adjacent single-family home to the East was destroyed and rebuilt. That new structure is situated towards the front yard/road of the lot and has a very generous lakeside frontage. Conditions particular to the adjacent property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
5. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.
6. Staff recommendation – Variance – **Lake Side Averaging Setback**  
The Planning Commission has the option to postpone, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- The request is the minimum variance that will make possible the reasonable use of the land, building or structure.
- The variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance.
- The reasons set forth justify the granting of the variance.
- The granting of the variance is not contrary to the public interest as all adjoining neighbors have signed off in approval.
- All adjoining neighbors and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.
- Conditions particular to the property were not the result of the actions of the applicant and a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.



- That the non-conforming USE of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming USE of lands, structures, or buildings in other districts was not considered grounds for the issuance of this variance.
- That there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved.
- By reason of exception, narrowness, shallowness or shape of a specific piece of property. Lots were platted prior to Lake County Zoning regulations and are considered nonconforming due to the square footage only being approximately 9,500 sq. /ft. and the width only being 50' on the road side. Also, the lots involved are uneven and odd in shape when combined making it more difficult to reasonably replace the main structure and meet all the required setbacks.
- Because of the odd shaped lots, the applicant's request is the minimum variance that will make reasonable use of the land involved.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- None.

#### **Action Item: Variance – Lake Side Averaging Setbacks**

Motion by Dale Thompson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the specific findings outlined in the staff report. Second by Craig Johannsen. M/C All were ayes

#### **CONDITIONAL USE #20-20**

\*Applicant signed the waiver of personal appearance

**Owner/Applicant:** Cow-n-Canoes Country Mercantile - Ricky & Vicki Johns

**Property Description:** South 21 Rods of the East 20 Rods E ½ of the SE ¼ Excluding the Highway, Section 3 of Herman Township

**Zoning Designation:** "C/I" District

**Request:** The applicant would like to request a seasonal retail stand utilizing a permanent structure.

#### **History/Issue(s):**

1. The applicant purchased the old "Moonlite Inn" property and has been renovating the interior and exterior of the existing structure. They are aware the current operation allows for a restaurant and lounge. They would like to expand this use in the future pending retail sales and services amendment in the C/I District. They are requesting in the meantime to sell seasonal retail for the Christmas holiday each year between November 1st through December 31th.
  - a) Seasonal retail consisting of Christmas trees, wreaths, gifts, homemade chocolates and treats, hot beverages and crafts. Also, to allow for a tractor drawn sleigh ride with the purchase of a tree or gift item, weather permitting. Planning on staying off of the state highway and will take back roads.
  - b) Christmas tree will be displayed on the North and West side of the building away from the State Highway and Township road. Other seasonal Christmas items will be for purchase inside the existing structure.
  - c) They would likely want to place a vinyl sign on the side of the structure for advertisement.
2. Lake County Ordinance requires that a land owner go through the Conditional Use process to request a seasonal retail stand.
  - a) Article XI, Section 1102. CI District, Conditional Use #12. "Conditional Uses in the Ag District except residential dwellings". Article XI, Section 1101. Conditional Uses #23. "Seasonal retail stands – including produce and fireworks – utilizing a permanent structure".
3. Staff recommendation – Conditional Use – **Seasonal Retail Stand**  
 Staff Recommends approval of the Conditional Use request.  
 The Planning Commission has the option to postpone, recommend granting of the Conditional Use to the Board of Adjustment, or recommend denial of the Conditional Use to the Board of Adjustment.

If the Planning Commission recommends granting of the Conditional Use to the BOA, it could use the following findings:

- Seasonal retail stands are allowable as a conditional use in the "C/I" District under certain conditions and it is the opinion of the board that granting this use would not be detrimental to other uses and is in the general character of the other uses in the district.
- No new structure shall be built or erected, only utilizing the existing.
- There are other seasonal retail stands during the year so it would be generally compatible with adjacent properties and other property in the district.
- If approved, the conditional use shall be specifically conditioned upon initial and continued compliance with all of the requirements and conditions herein and upon compliance with all applicable provisions of the Zoning Ordinance.

- Satisfactory provisions and arrangements have been made, or may be made through the conditions placed upon the operation, concerning the followings:
  - Entrance and exit to property and proposed structures thereon;
  - Off-street parking and loading areas;
  - Utilities, refuse, and service areas;
  - Screening and Buffering;
  - Signs;
  - Required yards and other open space; and
  - General compatibility with adjacent properties and other property in the district.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance.
- The granting of the conditional use will not adversely affect the public interest.

If the Planning Commission recommends denial of the Conditional Use to the BOA, it could use the following finding:

- NONE

**Action Item: Conditional Use – Seasonal Retail Stand**

Motion by Dale Thompson to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Doug Jerlow. M/C All were ayes.

**PLATS:**

**A Plat of Lots 3 & 4 of Stoney Point Addition in Government Lot 4 and the NW ¼ of the NW ¼ in Section 24-106-52** in Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Subdividing lots for future single-family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Doug Jerlow to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**A Plat of Lot 1 of Doblar Addition in the West ½ of the SW ¼ of Section 23-106-53** in Herman Township was presented to the Planning Commission. This plat is located in the “A” District. Subdividing a lot for future single-family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

**DISCUSSION ITEM:** Accessory Structures in the Lake Park Districts 1, 2, 3. After a discussion the commissioners decided they would like more input on increasing the side yard setbacks in all district from Frist District before increasing the structure sizes. As well as fire safety from Randy Minnaert.

**PUBLIC COMMENT:** None.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Alan Schaefer. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:21 AM.

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:00 AM in the County Commission Board Room.

**ROLL CALL:**

Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Aaron Johnson, and official Mandi Anderson were all present. Gene Anderson and Doug Jerlow were excused from today's meeting.

**AGENDA/ADDITIONS:**

Official Mandi Anderson requested to add just a comment after today's Discussion items about the vacancy of Planning Commission 2021 Members.

Motion by Craig Johannsen to approve the agenda. Second by Aaron Johnson. M/C All were ayes.

**MINUTES/CORRECTIONS:**

Motion by Dale Thompson to approve November 10th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

**#20-11** Variance for Jeff & Debra Luther – unable to take action on the request, no representative present.

**NEW BUSINESS:**

**VARIANCE-20-13**

\*Applicant signed waiver of personal appearance

**Owner/Applicant:** Tracey Anderson

**Property Description:** Lots 20-21 Blocks A & C & vacated road lying between said lots in Wentworth Park Subdivision in the SE ¼ of Section 30-106-51, Wentworth Township

**Zoning Designation:** "LP 1" – Lake Madison

**Request:** The applicant is requesting a Variance from the required minimum side yard setback.

**History/Issue(s):**

1. The applicant is requesting to build a deck addition onto their existing upper-level living area above the garage.
  - a. The proposed deck is located on the south side of the garage projecting into the east required side yard. The addition will consist of an 8' x 8' second story uncovered/open deck.
2. Lake County Ordinance requires that a single-family living structure in the Lake Park District-1 must have a minimum side yard setback of 9'. Any projections including unenclosed porches that project more than 3 ½ feet from the structure and/or having more than 50 sq/ft in area must meet a 9' side yard setback as well. If they cannot meet the setbacks, they shall go through the Variance process.
  - a. They are requesting an approx. 4' variance from the side yard property line, proposing the new structure to sit 5' off the line. They meet all other required (front, rear, west side, height) setbacks.
  - b. Not requesting to build any closer to the side yard lot line than the existing structure.
3. The location of the garage with living above existed prior to the Lake Park District regulations. Conditions particular to the property were not the result of the actions of the applicant and enforcement of the Ordinance would result in unnecessary and undue hardship.
4. Adjoining landowners have been contacted. They have raised no objections to the Variance request. Their signatures were obtained.
5. Staff recommendation – Variance – **Minimum Side Yard Setback**  
Staff Recommends approval of the Variance request.  
The Planning Commission has the option to table, recommend granting of the variance to the Board of Adjustment, or recommend denial of the variance to the Board of Adjustment.

If the Planning Commission recommends granting of the variance to the BOA, it could use the following findings:

- The request is the minimum variance that will make possible the reasonable use of the land, building or structure.
- The variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance.
- The reasons set forth justify the granting of the variance.

- The granting of the variance is not contrary to the public interest as all adjoining neighbors have signed off in approval.
- All adjoining neighbors and landowners have been notified.
- Conditions particular to the property were not the result of the actions of the applicant and a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.
- That the non-conforming USE of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming USE of lands, structures, or buildings in other districts was not considered grounds for the issuance of this variance.
- By reason of exception, narrowness, shallowness or shape of a specific piece of property or that there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved: The existing structure was constructed prior to regulations in place.
- Applicant's request is the minimum variance that will make reasonable use of the existing structure by constructing the proposed upper level deck to sit no closer to the side yard lot line than what already exists.

If the Planning Commission recommends denial of the Variance to the BOA, it could use the following finding:

- None.

#### **Action Item: Variance – Minimum Side Yard Setback**

Motion by Aaron Johnson to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the specific findings outlined in the staff report. Second by Alan Schaefer. M/C All were ayes

#### **VARIANCE-20-14**

\*applicant signed waiver of personal appearance but did attend the hearing.

**Owner/Applicant:** TNT Storage, LLC – Tim Hagen

**Property Description:** Lot 10 in Tract A in Line Tract 4 of Government Lot 4 of Section 30, Wentworth Township

**Zoning Designation:** "Lake Park-3 District" – Lake Madison

**Request:** The applicant is requesting a Variance from the required minimum rear yard setback.

#### **History/Issue(s):**

1. The applicant is requesting to build a private storage building on their LP-3 Lot.
  - a. Proposed building dimensions of 30 x 40 x 14.
  - b. Non-residential, non-business storage.
2. Lake County Ordinance requires that a landowner go through the variance process when they cannot meet the rear yard setback. The required rear yard setback in the LP-3 District is a minimum of 10 feet.
  - a. They are requesting a 6' variance from the setback.
  - b. There are existing buildings to the north and east, both would have an 8' setback in between structures.
3. This Lake Park District was rezoned in 2012 to District 3. The development and plat were approved by the County Commissioners at that time. This lot is considered non-conforming. The minimum lot depth requirement is 160' and the minimum lot width requirement is 50'. This lot has a depth of 80' and 103' & a width of 47'. Also, lots are required to have a minimum of 8,000sq/ft in density and this lot has only 4,327sq/ft.
  - a. Lake Park-3 District was adopted into the Zoning Ordinance in 2006. Zoning Ordinance Amendment #06-44.
4. Conditions particular to the property were not the result of the actions of the applicant. The applicant purchased the property under the assumption that the lot was conforming and was buildable according to the covenants and proposed site plan. The developer created a plan and was under the impression that the lots were conforming and that a variance had already been completed for this development's proposed setbacks. However, no documentation, records or minutes reflect this request and approval.
  - a. If the current landowner is required to meet the 10' rear yard setback it could make the structure close to impossible to back any recreational equipment into it. Also, the structure would sit in the easement/ designated road area if forced to meet the setback.
5. Adjoining landowners have been contacted via certified mail.
6. Staff recommendation – Variance – **Minimum Rear Yard Setback**  
The Planning Commission has the option to postpone, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

The planning commission recommends the following findings:

- The proposed application is the minimum variance that will make possible the reasonable use of the land, building or structure.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance.

- The granting of the variance **would** be injurious to the neighborhood or otherwise detrimental to the public welfare. - Concerns with fire safety and snow with such a minimal setback.
- That there are extraordinary and exceptional situations and special conditions or circumstances that **exist** which are peculiar to the land, structure, or building involved.
- The granting of the variance request **would not** confer on the applicant special privilege denied to others in the LP-3 district. -Others were issued a building permit for a 4' setback in the same development.
- Conditions particular to the property **were not** the result of the actions of the applicant and a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- That the non-conforming USE of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming USE of lands, structures, or buildings in other districts **was not** considered grounds for the issuance of this variance. – use is for storage
- Adjoining landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.
- By reason of exception, narrowness, shallowness or shape of a specific piece of property.
- The reasons set forth justify the **denial** of the variance.

#### **Action Item: Variance – Minimum Rear Yard Setback**

Motion by Dale Thompson to recommend denial of the applicant's variance permit to the Board of Adjustment and adopt the specific findings outlined in the staff report. Second by Aaron Johnson. Roll Call Vote was taken: All in favor for recommended denial.

Aaron Johnson – Yes for denial

Alan Schaefer – Yes for denial

Craig Johannsen – Yes for denial

Don Bickette – Yes for denial

Dale Thompson – Yes for denial

#### **VARIANCE-20-15**

\*applicant signed the waiver of personal appearance

**Owner/Applicant:** Richard & Mary Schneider

**Property Description:** Lot 8 in Tract A in Line Tract 4 of Government Lot 4 of Section 30, Wentworth Township

**Zoning Designation:** "Lake Park-3 District" – Lake Madison

**Request:** The applicant is requesting a Variance from the required minimum rear yard setback.

#### **History/Issue(s):**

1. The applicant is requesting to build a private storage building on their LP-3 Lot.
  - a. Proposed building dimensions of 30 x 40 x 14.
  - b. Non-residential, non-business structure for storage.
2. Lake County Ordinance requires that a landowner go through the variance process when they cannot meet the rear yard setback. The required rear yard setback in the LP-3 District is a minimum of 10 feet.
  - a. They are requesting a 6' variance from the setback.
  - b. There are existing buildings to the north and west, both would have an 8' setback in between structures.
3. This Lake Park District was rezoned in 2012 to District 3. The development and plat were approved by the County Commissioners at that time. This lot is considered non-conforming. The minimum lot depth requirement is 160' and the minimum lot width requirement is 50'. This lot has a depth of 108' and 146' but does have a width of 74'. Also, lots are required to have a minimum of 8,000sq/ft in density and this lot meets the requirement with 9,422 sq/ft.
  - a. Lake Park-3 District was adopted into the Zoning Ordinance in 2006. Zoning Ordinance Amendment #06-44.
4. Conditions particular to the property were not the result of the actions of the applicant. The applicant purchased the property under the assumption that the lot was conforming and was buildable according to the covenants and proposed site plan. The developer was under the impression that the lots were conforming and that a variance had already been completed for this development's proposed setbacks. However, no documentation, records or minutes reflect this request and approval.
  - a. If the current landowner is required to meet the 10' rear yard setback it could make the structure close to impossible to back any recreational equipment into it. Also, the structure would sit in the easement/ designated road area if forced to meet the setback.
5. Adjoining landowners have been contacted via certified mail.
6. Staff recommendation – Variance – **Minimum Rear Yard Setback**  
The Planning Commission has the option to postpone, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

The planning commission recommends the following findings:

- The proposed application is the minimum variance that will make possible the reasonable use of the land, building or structure.
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance.
- The granting of the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare. Concerns with fire safety and snow with such a minimal setback.
- That there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-3 district. -Others were issued a building permit for a 4' setback in the same development.
- Conditions particular to the property were not the result of the actions of the applicant and a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- That the non-conforming USE of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming USE of lands, structures, or buildings in other districts was not considered grounds for the issuance of this variance. – use is for storage
- Adjoining landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.
- By reason of exception, narrowness, shallowness or shape of a specific piece of property.
- The reasons set forth justify the granting of the variance.

**Action Item: Variance – Minimum Rear Yard Setback**

Motion by Craig Johannsen to recommend denial of the applicant's variance permit to the Board of Adjustment and adopt the specific findings outlined in the staff report. Second by Alan Schaefer. Roll Call Vote was taken: All in favor for recommended denial.

Don Bickette– Yes for denial

Dale Thompson – Yes for denial

Craig Johannsen – Yes for denial

Alan Schaefer– Yes for denial

Aaron Johnson – Yes for denial

9:00 am

**Ordinance Amendment #20-73**

**Rezoning #20-01**

**Owner/Applicant:** Lakes Community, LLC Mark Peltier – Representative

**Property Description:** A portion of Lots 1 & 2 Lakes Community 2nd Addition in NE ¼ of 5-105-51 & SE ¼ of 32-106-51 to be replatted and known as: Lots 1-24 of Lake's Community Storage Association 2nd Addition in NE ¼ of 5-105-51 (Chester Township) & SE ¼ of 32-106-51 (Wentworth Township)

**Zoning Description:** "LP-1 & A" Lake Park District-1 & Agricultural

**Request:** Petition to Rezone his property to "LP 3" Lake Park District-3 to allow for oversized private and commercial storage buildings

**Facts & Finding(s):**

1. The applicant has petitioned to rezone the property to allow for individuals to purchase lots and construct storage buildings.
2. Lake County Ordinance requires a landowner to go thru the petition process to rezone and ask the Planning Commission for a recommendation after reviewing the proposal.
3. Both lot size and width meet the Lake County requirements LP-3 District.
4. The proposed structures for each lot would meet our current Lake County Ordinance for size and setback requirements.
5. According to the Comprehensive Land Use Plan this land is in the Area of Development Transition which encourages development under certain circumstances when compatible to adjacent properties.
  - a. In areas of development transition, annexation of the land adjacent to sanitary sewer districts is highly encouraged prior to development.
6. The access to this property is located off of private road Lake Ridge Drive & public road 462nd Ave. The entrance will be sufficient to accommodate the traffic coming in and going out of the property. They plan on installing a key card gate entry in both locations. The addition of these proposed storage building lots along with the existing lots shall have minimum impact on private, township and county roads. These areas are not heavily trafficked.
7. He has notified all adjoining landowners via certified mail of this proposed rezoning of the use of the land and also the hearing dates/time as required in our Lake County Ordinance.
8. A sign for public notice was placed on the property with the hearing dates and times of the rezoning request.

**Action Item: Ordinance Amendment #20-73 & Rezoning #20-01**

-Motion by Aaron Johnson to recommend granting the Rezoning request and Ordinance Amendment to the County Commissioners and adopt the facts and finding found in the staff report. Second by Craig Johannsen. M/C All were ayes

Break from 9:10am – 9:15am

**PLATS:**

**A Plat of Lots 1 & 2 of Robson's 2nd Addition in the SE ¼ 4-106-52** in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. Resubdividing Lot 1 to add more land into parcel and Subdividing Lot 2 for future single-family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**A Plat of Lot 8 in Block 2 of Lakes Community Addition in the South ½ of Section 32-106-51** in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing lot for future single-family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

**A Plat of Lot 1 of J-Olson's Addition in the SW ¼ of Section 6-107-51** in Rutland Township was presented to the Planning Commission. This plat is located in the "A" District. Resubdividing Lot 1 to add more land into parcel. Meets Lake County Regulations and the taxes have been paid in full. Motion by Aaron Johnson to recommend the approval of this plat to the County Commission. Second by Craig Johannsen. M/C All were ayes.

**A Plat of Lots 12A & 13A of Earl Spawn's Subdivision of Government Lot 3 in Section 10-105-51** in Chester Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Resubdividing existing lots to vacate the old unimproved and unused portion of South Shore Drive and relocating the road easement to the correct and existing improved location. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**DISCUSSION ITEM:**

Lake Park District 1,2 & 3 Permitted and Conditional Uses, Setbacks & Retail Sales and Services.

After speaking with First District and State's Attorney's Office it has been highly suggested to amend the Comprehensive Land Use Plan first but to form a Zoning Amendment committee in the meantime to continue discussions. Our current plan does not support retail sales and services in the AG and C/I Districts.

Official Mandi Anderson instructed the commissioners to contact the Zoning office if interested in being a member of this committee. Suggested only 2 members at most along with Official, First District and a member from the County Commission.

**COMMENT:**

Planning Commissioners Doug Jerlow and Gene Anderson's terms are up at the end of 2020. Official contacted both members and they have both decided not to serve another term. There will be two vacancies to be filled in 2021. An Interest Application will be provided for any county member wanting to apply and is interested.

**PUBLIC COMMENT:** None.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Alan Schaefer. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:53 AM.