

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:04 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 and attending.

**AGENDA/ADDITIONS:**

None.

Motion by Aaron Johnson to approve the agenda. Second by Craig Johannsen. 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 Aaron Johnson, for nominations to cease and a unanimous ballot be cast for Don Bickett as 2021 Chairman of the Lake County Board of Planning Commissioners. Motion carried.

Official Mandi Anderson asked for nominations for Vice Chairman.

Aaron Johnson nominated Alan Schaefer. Motion by Aaron Johnson, second by Craig Johannsen, for nominations to cease and a unanimous ballot be cast for Alan Schaefer as 2021 Vice Chairman of the Lake County Board of Planning Commissioners. Motion carried.

2021 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. The 2021 Planning Meeting Calendar was provided in their packets.

Currently Dale Thompson & Alan Schaefer continue as the two appointed planning commission members serving as alternates on the BOA.

At the January 5<sup>th</sup> Lake County Commissioner's meeting Aaron Johnson was appointed back to our Planning board. He is a County Commissioner serving on our Planning Commissioner Board.

Subcommittee Members: Dale Thompson, Aaron Johnson, First District member, Shelli Gust & Mandi Anderson.

Mandi Anderson turned the meeting over to Chairman Don Bickett.

**MINUTES/CORRECTIONS:**

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

**NEW BUSINESS:**

**CONDITIONAL USE #21-02**

Owner/Applicant: Danny & Faith Stratton along with Curt Walter-project manager for AT&T

Property Description SE ¼ of Section 9 Wentworth Township

Zoning Designation: "A" Agricultural District

Request: The landowner and applicant are requesting to build a wireless communications tower and facility.

History/Issue(s):

1. The applicant is requesting to construct a new 400-foot tall, guyed tower for wireless phone and internet coverage.
  - a) A proposed easement will be placed on the property to allows for the facility and equipment to be constructed, maintained and accessed by AT&T.
  - b) Site is located adjacent to the Town of Wentworth.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process when located in the "A" District to construct a wireless telecommunication tower and facility. Article XI 1101.03 Conditional Use #17.
3. The proposed structure meets the required list of setbacks for structures located in the "A" District along with Section 1214.4 setback for wireless towers exceeding 150' in height.
4. Lake County Highway Superintendent has been contacted and raises no objection to the dual use of the existing approach and an email was obtained in approval.

5. Staff Recommends the Conditional Use - wireless communications tower and facility

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:

- Wireless telecommunication towers and facilities are allowed in the "A" District (CU #17) under certain conditions (Section 1213).
- The construction and placement for the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications services enjoyed by adjacent residential and non-residential properties.
- Tower meets the setback standards and structural requirements of the Lake County Zoning Ordinance.
- There are wireless towers in the "A" District so it would be generally compatible with adjacent properties and other property in the district.
- There is an essential need to provide consistent wireless phone and internet coverage to this area.
- Lake County Highway Superintendent 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.

**Action Item: Conditional Use – wireless communications tower and 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 Craig Johannsen. M/C All were ayes

**VARIANCE #21-01**

\*Applicant signed the waiver of personal appearance

Owner/Applicant: Justin & Jessica Evans

Property Description: Lot 16 & E ½ of Lot 17 Schnell & Nold Subdivision in Section 36 of Lakeview 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 an addition on the rear (lake side) of their home adjacent to Lake Madison. Requesting a covered but open deck addition. Addition will not be enclosed.
  - a. Unaware of the averaging setback or the need for a building permit the roof line was already altered and added without approval. Photo enclosed in packet of the unapproved addition taken by the Equalization Office on inspection.
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.
  - a. They are requesting an approx. 20' Variance on the lakeside from the average of the developed lots. Existing Structure is already encroaching on the averaging setback by several feet, this addition would encroach an additional 5'.
  - b. They meet all other required (front, sides, OHWM, height) setbacks.
3. Noted that earlier last year 2020 the neighbors to the west removed a portion of their existing home on the lakeside after discovering foundation issues. They removed an 8' portion. They do plan on replacing and possibly adding additional feet to the house structure on the lakeside.
4. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.

Variance – Lake Side Averaging Setback. The Planning Commission has the option to postpone for additional information, recommend granting of the Variance to the Board of Adjustment, or recommend denial of the Variance to the Board of Adjustment.

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

Motion by Alan Schaefer 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 Craig Johannsen. Alan, Craig, Aaron & Don were ayes. Dale was nay. Motion approved.

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. **Requesting a minimal footage, only requesting one variance, unenclosed deck.**
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance.
- The granting of the variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- That there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved. **Existing structure already sits within the setback.**
- 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 and a literal enforcement of the ordinance would result in unnecessary and undue hardship. **Purchased the property with the structure already located within the setback.**
- 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.
- The reasons set forth justify the granting of the variance.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.

**9:00 – 9:05 BREAK**

**OLD/UNFINISHED BUSINESS:**

**VARIANCE-20-11**

Owner/Applicant: Jeffrey & Debra Luther

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. This application was postponed on October 14, 2020 until the applicant was able to obtain the proper information required for the proposed site plan.
2. The applicant is requesting to rebuild a single family home next to Lake Madison. Requesting a tri-level home with a garage stall on the road side.
  - a. The previous home was recently removed due to extreme foundation issues.
3. Site plan was provided and according to that plan the proposed structure would request the following variances:
  - a. Approximate 3' variance from the West side yard lot line.
  - b. Approximate 7' variance from the East side yard lot line (this adjacent lot is owned by applicant and is a Commercial District lot).
  - c. Approximate 21' variance from the Road side lot line.
  - d. Approximate 5' variance from the lakeside setback.
  - e. Does not require and meets the FEMA required finish floor elevation and the roadside height. The averaging setback is not required in this case due to the west property being located closer than 25' to the OHWM.
4. Lake County Ordinance requires an applicant to go through the variance process if the single-family structure in the LP-1 District cannot meet the minimum required setbacks;
  - 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).
5. We acknowledge that this lot was platted prior to Lake County Zoning regulations and is considered nonconforming. The lots square footage density is unknown 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.
6. Adjoining neighbor has been contacted. They have raised no objections to the rebuild request. This property is located next to a Lake County Highway and the Superintendent was contacted and has concerns.
7. Variance – Lake Park District-1, 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.

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

Highway Superintendent Nels Nelson has concerns of safe parking and backing out of the garage. Where will the snow be stored or moved to? Snow plows clearing the road and debris hitting the house or garage. Being a 10' clear zone from the edge of the road. Should sign a damage waiver/agreement document for variance on the highway road front side.

Response from Applicants:

They are also concerned about the traffic and backing up and parking. That has been a long going issue for years. There is about 27' from the proposed garage to the edge of the road. So does have clearance. Reducing the speed limit might help on that curve even more if possible. Its set at 25mph right now and many do not follow that speed limit. Snow is removed from the property and hauled over to the other side of the road into the parking lot. Would sign a waiver for any potential damage that may occur by placing the home so close to the right of way.

**Action Item: Variance – Lake Park District-1, yard setbacks**

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.

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. Lot is non-conforming and detriments of the previous home
- Granting the variance will be in harmony with the general purpose and intent of the Ordinance.
- The granting of the variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- That there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved. Lot is non-conforming and deterioration of previous 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 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.
- Adjoining neighbor and 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.
- Recommend signing a damage waiver/agreement document for variance on the highway road front side.

**PLAT:**

**A Plat of Lots 1-25 of Lakes Community Storage Association 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 & LP-3" Districts. Resubdividing lots for potential future 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.

**VACANT PLANNING COMMISSIONERS POSITIONS:** Unanimous vote recommended for Roger Albertson & Jody Eli-Ackerman to serve as planning commission members. Will recommend applicants to county commissioners for their approval at the January 19th hearing.

**PUBLIC COMMENT:** None.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Dale Thompson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 10:04 AM.

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:**

Jody Ackerman, Dale Thompson, Alan Schaefer, Don Bickett, Roger Albertson, Aaron Johnson and official Mandi Anderson were all present. Craig Johannsen was absent but excused.

**AGENDA/ADDITIONS:**

Comments from Zoning Official on new Planning Commission vacancy.

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

**MINUTES/CORRECTIONS:**

Motion by Dale Thompson to approve January 13th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**Welcome Jody Ackerman and Roger Albertson to the board.**

**CONDITIONAL USE #21-01**

\*signed waiver of personal appearance.

**Owner/Applicant:** Walter & Patricia Schaefer, Family Trust along with Curt Walter-project manager for AT&T

**Property Description** SW ¼ of Section 6-106-54, excluding Lot H-2, H-3 & Highway, Winfred Township

**Zoning Designation:** "A" Agricultural District

**Request:** The landowner and applicant are requesting to build a wireless telecommunications tower and facility.

**History/Issue(s):**

1. The applicant is requesting to construct a new 400-foot tall, guyed tower for wireless phone and internet coverage.
  - a) A proposed easement will be placed on the property to allow for the facility and equipment to be constructed, maintained and accessed by AT&T.
  - b) Site is located adjacent to SD State Hwy 34/81, North of Winfred.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process when located in the "A" District to construct a wireless telecommunication tower and facility. Article XI 1101.03 Conditional Use #17.
3. The proposed structure meets the required list of setbacks for structures located in the "A" District along with Section 1214.4 setback for wireless towers exceeding 150' in height.
4. The State of SD DOT has been contacted and raises no objection to the dual use of the existing approach as long as they file a mutual access easement in the ROD Office and a letter was obtained in approval.
5. Staff Recommends the Conditional Use - **wireless telecommunications tower and facility**  
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:

- Wireless telecommunication towers and facilities are allowed in the "A" District (CU #17) under certain conditions (Section 1213).
- The construction and placement for the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications services enjoyed by adjacent residential and non-residential properties.
- Tower meets the setback standards and structural requirements of the Lake County Zoning Ordinance.
- There are wireless towers in the "A" District so it would be generally compatible with adjacent properties and other property in the district.

- There is an essential need to provide consistent wireless phone and internet coverage to this area.
- The State of SD DOT approved of the dual use of the existing approach with the requirement of a mutual access easement.
- 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 – wireless telecommunications tower and 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

**CONDITIONAL USE #21-03**

\*signed waiver of personal appearance.

**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 143’ x 16’ oversized commercial storage building alongside of his already existing storage buildings. Proposed containing 5,720 sq/ft.
  - a. Eleven 13’ x 40’ storage units. Each unit to have a 11’ x 14’ steel overhead door.
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. Property was rezoned from Lake Park District -1 to Lake Park District-3 in 2018 (Ordinance Amendment #18-67). The second building required a Conditional Use permit, permit (CU #20-02) was approved in March 2020.
5. 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 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

**PLATS:**

**A Plat of Lot 1 of Dooley's Addition** in the NE ¼ of Section 28-108-83 in Badus Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the adjacent farmland from the existing farmstead. 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 Lot 1 of Sonny's Addition** in the N ½ of the NW ¼ of Section 22-105-53 in Herman Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing land for purchase for future single-family development. 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 Roger Albertson. M/C All were ayes.

**VACANT PLANNING COMMISSIONERS POSITION:** Craig Johannsen has decided regrettably to retire early off the Planning Commission board which leaves a vacant position to fill the remainder of his term. Zoning Official will contact the last months' applicants and inquire if they are interested in filling the remainder of the term. Will bring applications back to Planning in March for recommendation.

**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 9:20 AM.



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:**

Dale Thompson, Alan Schaefer, Don Bickett, Roger Albertson, Aaron Johnson and official Mandi Anderson were all present. Jody Ackerman was absent.

**AGENDA/ADDITIONS:**

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

**MINUTES/CORRECTIONS:**

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

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**VARIANCE #21-02**

\*Applicant signed the waiver of personal appearance

**Owner/Applicant:** Warren & Trudy Quail along with Corey McLaughlin from Best Gen Homes

**Property Description:** Lot 39 Hilde's Addition in the SW ¼ of Section 23, Lakeview 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 add a deck walkway onto their newly built lake home. The wooden deck walkway will run along the east side connecting to the lakeside deck and steps down to the lower level. The deck will be open and uncovered.
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 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 a 3' variance from the east side yard proposing the new wooden deck walkway to sit 6' off of the side yard property line.
  - a. They meet all other required (front, west 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 width only being approx. 58' on the road side. The square footage is approximately 11,700 sq. /ft. 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 could result in unnecessary and undue hardship.
  - a. Minimum lot width requirement for LP-1 district is 75 feet.
  - b. Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
5. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.

**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 Alan Schaefer. M/C All were ayes.

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 not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- That there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved. Walkway will remain open and unenclosed, structure meets all other

**required setbacks, very narrow lot of record, neighbors have no concerns, other side yard allows for access in case of fire, walkway to attach to the exiting deck and steps to the lower level.**

- 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 and a literal enforcement of the ordinance would result in unnecessary and undue hardship. **Lot was platted far before subdivision regulations and lot size requirements.**
- 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.
- The reasons set forth justify the **granting** of the variance.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.

#### **VARIANCE #21-03**

\*Applicant signed the waiver of personal appearance

**Owner/Applicant:** David & Kelly Hasvold along with Kim Hofer, Big D Homes

**Property Description:** North 39' of Lot 8 Plat of Block 13 Wentworth Park in Government Lot 3 in Section 30 of 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 new 2 story home on their lot adjacent to Lake Madison.
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' variance from the north side yard proposing the new home to sit 5' off of the side yard property line.
  - a. They meet all other required (front, south side, rear, height) setbacks.
  - b. This property is located within the FEMA floodplain. However, the elevation of the property meets the minimum requirements to build without adding fill. A floodplain development permit will be required but no additional LOMR or LOMA will be necessary.
4. The existing neighboring home structure to the south is very close to their shared property line. They are requesting to build 12' from that shared property line.
5. We acknowledge that this lot was platted prior to Lake County Zoning regulations and the footage is considered nonconforming due to the width only being approx. 39' on the road side. The square footage is only approximately 6,415 sq. /ft. 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 could result in unnecessary and undue hardship.
  - a. Minimum lot width requirement for LP-1 district is 75 feet.
  - b. Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
6. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.

#### **Variance – Side Yard Setback**

Motion by Alan Schaefer 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 Roger Albertson. M/C All were ayes.

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 not** be injurious to the neighborhood or otherwise detrimental to the public welfare.
- That there are extraordinary and exceptional situations and special conditions or circumstances that **exist** which are peculiar to the land, structure, or building involved. **Structure meets all other required setbacks, very narrow lot of record, neighbors have no concerns, other side yard allows for access in case of fire, adjacent neighboring structure to the south is directly located on the shared lot line, new proposed structure will sit farther off the lot line than the existing currently does.**
- 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 and a literal enforcement of the ordinance would result in unnecessary and undue hardship. **Lot was platted far before subdivision regulations and lot size requirements.**

- 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.
- The reasons set forth justify the **granting** of the variance.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.

**PLATS:**

**A Plat of Lot 1 and 2 of Elverud Addition** in the NE ¼ of Section 2-108-81 in Summit Township was presented to the Planning Commission. This plat is located in the “A” District. Subdividing the adjacent farmland from the existing farmstead. 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 C & K Hogs Addition** in the SW ¼ of Section 14-108-82 in Nunda Township was presented to the Planning Commission. This plat is located in the “A” District. Subdividing land for future, prior approved, swine CAFO site. 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 Roger Albertson. M/C All were ayes.

**A Plat of Lot 1 of Simonsen’s Addition** in the N ½ of NW ¼ of Section 36-105-51 in Chester Township was presented to the Planning Commission. This plat is located in the “A” District. Subdividing the adjacent farmland from the existing farmstead. 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.

**PLANNING COMMISSION APPLICANTS:** Unanimous vote recommended for Daniel Hansen to serve as planning commission member. Will recommend the applicant to county commissioners for their approval at the March 16th hearing.

**PUBLIC COMMENT:** None.

Motion by Alan Schaefer to adjure the Planning Commission Meeting. Second by Roger Albertson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:22 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:**

Jody Ackerman, Dale Thompson, Alan Schaefer, Don Bickett, Roger Albertson, Aaron Johnson, Dan Hansen and official Mandi Anderson were all present.

**AGENDA/ADDITIONS:**

Conditional Use # 21-04 has been moved to the May Planning meeting. Motion by Aaron Johnson to approve the revised agenda. Second by Jody Ackerman. M/C All were ayes.

**MINUTES/CORRECTIONS:**

Motion by Aaron Johnson to approve March 10th minutes sent to them by mail. Second by Jody Ackerman. M/C All were ayes.

**Welcome new planning commission member Dan Hansen. This is his first meeting after appointment to the board.**

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**VARIANCE 21-04**

**Owner/Applicant:** Thomas & Beth Bernard

**Property Description:** Lot 4 Mader's 2nd Addition in the SE ¼ of Section 4-106-53, Herman Township

**Zoning Designation:** "A" Agricultural District

**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 garage addition onto his existing single-family home.
2. Lake County Ordinance requires that there shall be a side yard of not less than 30 feet for all buildings/structures when located in the "A" District. If they cannot meet the setbacks, they shall go through the Variance process.
  - a. They are requesting a 15' variance from the North side yard, placing the structure 15' from the lot line.
  - b. Existing structure does meet the required setback.
  - c. The structure would meet all other setbacks (front, rear, south side, height).
3. This lot was platted in 1991 and according to our Lake County Zoning regulations and is considered non-conforming due to the width being only 125' and the square footage without the ROW being approximately only 38,500, under 1 acre. It is a lot of record.
  - a. Minimum lot size requirement for "A" district is 1 acre (43,560 sq/ft) when located in the Area of Development Transition. Not to include the road and ROW.
  - b. Minimum lot width requirement for "A" district is 150 feet.
4. Adjoining neighbors have been contacted. They raise no objections to the variance request and their signatures were obtained in approval.

**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 Alan Schaefer. M/C All were ayes.

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 not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- That there are extraordinary and exceptional situations and special conditions or circumstances that **exist** which are peculiar to the land, structure, or building involved. **Lot width is only 125' and lot size is under an acre. The grade and slope of the lot only allows him to build in this area.**
- The granting of the variance request **would not** confer on the applicant special privilege denied to others in the "A" district.
- 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.
- The reasons set forth justify the **granting** of the variance.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.

#### **PLATS:**

**A Plat of Lot 1 of Alverson Addition** in the SW ¼ of Section 15-105-51 in Chester Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the adjacent farmland from the existing farmstead. 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 Lot 3 in Block 6 Lakes Community Addition** in government lot 6 in the SE 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 land for potential 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 Lots 1 and 2 of Jung Addition** in the NE ¼ of Section 30-107-52 in Leroy Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the adjacent farmland from the existing farmstead. 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 Roger Albertson. M/C All were ayes.

**A Plat of Lot 1 of Jones 2nd Addition** in the N ½ of NW ¼ of Section 29-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing land into a single lot to be purchased by the adjoining landowner for their 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 Jody Ackerman. M/C All were ayes.

**PUBLIC COMMENT:** None.

Motion by Alan Schaefer to adjure the Planning Commission Meeting. Second by Roger Albertson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:00 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:**

Jody Ackerman, Dale Thompson, Alan Schaefer, Don Bickett, Roger Albertson, Aaron Johnson, Dan Hansen and official Mandi Anderson were all present.

**AGENDA/ADDITIONS:**

None.

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

**MINUTES/CORRECTIONS:**

Motion by Dale Thompson to approve April 14th minutes sent to them by mail. Second by Aaron Johnson. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**VARIANCE 21-05**

**Owner/Applicant:** Corey & Shannon Gerry

**Property Description:** South 300' East 400' of Tract A Yagers 1st Addition S ½ of Section 4-106-53, Herman Township

**Zoning Designation:** "A" Agricultural District

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

**History/Issue(s):**

1. The applicant is requesting to build a garage addition onto his existing single-family home.
2. Lake County Ordinance requires that structures on all corner lots shall observe two front yards and the depth of the front yard on each street which the lot abuts, shall be not less than 75 feet when located in the "A" District. And in no case shall an accessory building be located or extended into the front yard. If they cannot meet the setbacks, they shall go through the Variance process.
  - a. They are requesting a 40' variance from the east front yard, placing the structure approximately 35' from the lot line or edge of the ROW of Jackson Road.
  - b. Existing structure does not meet the required setback from the east front yard lot line. Existing sits 53' from the ROW of Jackson Road.
  - c. The structure would meet all other setbacks (south front yard, rear, side, height).
  - d. This proposed addition will not affect the vision clearance and shall not be placed within the 50' required setback of the triangular area formed by the intersecting roads. Article XII Section 1202.
3. Tract A Yagers 1st addition was platted in July of 2002. (Bk 14 Pg 4) The tract was further subdivided by a footage description of 300'x 400' for banking purposes and this footage description of Tract A is where the home was built. At that time the location of the home was built and met the requirements for front, side and rear yard setbacks.
  - a. Access was granted by way of easement to Tract A, private driveway was created to the east of the tract.
4. In 2007 as additional lots to the north started to be subdivided for the growing development, the existing private driveway access easement changed to a public roadway and was dedicated to the public for roadway purposes. That then is when the roadway was named Jackson Road. (Bk 15 Pg 150). Thus, turning this lot into a corner lot.
  - a. To maintain access to his property the applicant and adjacent landowner platted Lot 1 Yager's 6th Addition in S ½ of Section 4-106-53. (Bk 15 Pg 177) This created a 19' wide access private driveway easement.
5. A "side yard variance" was granted by the BOA to the existing unattached accessory building in April of 2008.
6. Adjoining neighbors have been contacted. They raise no objections to the variance request and their signatures were obtained in approval.

**Variance 21-05 – Front 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 Roger Albertson. M/C All were ayes.

- 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 not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- That there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved. **History of the existing private driveway access easement changing to a public roadway and was dedicated to the public for roadway purposes created this now lot into a corner lot.**
- The granting of the variance request would not confer on the applicant special privilege denied to others in the "A" district.
- 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.
- The reasons set forth justify the granting of the variance.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.

#### **VARIANCE #21-06**

**Owner/Applicant:** Justin & Amanda Rey

**Property Description:** Lot 7 & West ½ of Lot 8 Block 9 & Lot 7 & West ½ of Lot 8 Block 10 of Wentworth Park Addition 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 and lake side setback.

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

1. The applicant is requesting to replace their existing deck on the rear (lake side) of their home adjacent to Lake Madison. They are also wishing to add a wooden deck to the upper level for second story walkout. Lower deck will not be enclosed only covered by the upper deck. The upper-level deck will be uncovered and unenclosed.
  - a. Existing deck currently is two made up of two smaller decks with a set of steps in the center leading down to the ground level. Wishing to replace with one 8 ½' x 28' wooden deck. Upper level will be the same dimensions.
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'. Also, shall have a lake side setback of 25' from the OHWM when adjacent to lakes. 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 and lake side setback as well. If they cannot meet the setbacks, they shall go through the Variance process.
  - a. They are requesting an approx. 2' variance on the west side yard and a 7' variance from the OHWM. Existing structure is already encroaching the side yard and lake side.
  - b. They meet all other required setbacks and are at least 4' above the OHWM.
  - c. In this case the averaging setback is not required to be met since the existing structure is closer than 25' to the OHWM.
3. 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 6,600 sq. /ft. and the width only 45'. 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 could 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 have been contacted and they raise no objections to the proposed project, their signatures were obtained.

#### **Variance – Side Yard and Lake Side Setback**

Motion by Aaron Johnson 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 Alan Schaefer. M/C All were ayes.

- 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 not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- That there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved. **Narrow lot of record, replacing the already existing deteriorated deck.**
- The granting of the variance request would not confer on the applicant special privilege denied to others in the "A" district.
- 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.
- The reasons set forth justify the **granting** of the variance.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.

#### **CONDITIONAL USE #21-04**

\*signed personal right to appearance.

**Owner/Applicant:** Dan & Stacey Dougherty

**Property Description:** Lot 2 Christiansen Sunrise Acres 2nd 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 attached garage with greater dimensions.

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

1. The applicant is requesting to build a new single-family home with an oversized attached garage on his property.
  - a) Proposed garage/accessory dimensions requested are 60 x 30' x 12', 1,800 sq/ft.
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 easement.
  - b) Shall not be nearer than 9 feet to any side yard lot line.
  - c) Shall not be nearer than 25' to the rear yard.
  - d) The proposed structure meets the overall height requirement of no taller than 30'.

#### **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 Jody Ackerman. M/C All were ayes.

- 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.

#### **CONDITIONAL USE #21-07**

\*signed personal right to appearance.

**Owner/Applicant:** McCord Stowater

**Property Description:** Lot 3 Block 3 Woodland's 36th Addition in the SE ¼ of Section 22-106-52, Lakeview Township

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

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

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

1. The applicant is requesting to build a new single-family home with an oversized attached garage on his property.
  - a) Proposing approximately 1,316 sq/ft using exterior dimensions, 1,251 sq/ft interior dimensions. Sidewall height conforms to the design of the house.
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 easement.
- b) Shall not be nearer than 9 feet to any side yard lot line.
- c) Shall not be nearer than 25' to the rear yard and shall maintain a finished floor level of 4' above the OHWM.
- d) The proposed structure meets the overall height requirement of no taller than 30'.

**Action Item: Conditional Use – Oversized attached 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 Roger Albertson. M/C All were ayes.

- 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.

**PLAT:**

**A Plat of Tract 1 O'Hara Addition** in Government Lot 4 of Section 1-105-52 of Franklin 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 Dale Thompson. M/C All were ayes.

**Ordinance Amendment #21-74**

**Rezoning #21-01**

**Owner/Applicant:** Richard Bothwell along with Mark Peltier

**Property Description:** Tract 3 of Colton Park Siding South Addition in a part of Lot 4, Block 1 of County Auditor's Subdivision of Lot 2 and Lot 3, Section 31-106-51, Lake County SD.

**Zoning Description:** "LP-1" Lake Park District-1

**Request:** Petition to rezone from Lake Park District -1 to Lake Park District -3 to allow for large oversized private and/or commercial storage buildings.

**Action Item: Rezone request & Ordinance Amendment**

Motion by Dale Thompson to recommend the Rezoning request and Ordinance Amendment to the County Commissioners and adopt the facts and finding found in the staff report. Second by Aaron Johnson. Roll Call Vote. Dan-aye, Aaron-aye, Roger-aye, Don-aye, Alan-aye, Dale- aye and Jody-aye. Motion approved.

**Facts & Finding(s):**

1. The applicants have petitioned to rezone the property to allow for multiple oversized storage facilities.
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 for the LP-3 District.
4. The proposed structures would not meet the permitted size allowance but may request a Conditional Use permit if approved for the Rezone.
5. There are currently three accesses onto this corner lot. They are requesting to keep an access located off of private road Johnson Park Drive & one off the public road (west entrance) on Lake County Highway 238th Street. Applicant will be speaking to the Highway Superintendent about widening the existing west approach and removing the east approach. The east approach

does not meet the required setback distance from the intersection. The entrances will be sufficient to accommodate the traffic coming in and going out of the property.

6. They have 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.
7. A sign for public notice was placed on the property with the hearing dates and times of the rezoning request.

Commissioner Jody Ackerman was excused and exited the meeting at this time, 9:10am.

#### **CONDITIONAL USE #21-05**

**Owner/Applicant:** Lance Nordstrom of Nordstrom Investment Co LLC

**Property Description:** Lots 47 & 48 of Nordstrom's Addition in the SW ¼ of Section 25-106-52, Lakeview Township

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

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

**History/Issue(s):**

1. The applicant is requesting to build an oversized storage structure for Jacobs Landing Campground occupants.
  - a) Proposed dimensions requested are 44 x 156 x 16 with a total of 6,864 sq/ft.
  - b) Mono slope roof to the south, front sidewall height of 16' and rear sidewall height of 14'. To include 12 storage bays that are 13' wide with a 44' depth.
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.
  - a) An accessory building is a subordinate use which is incidental to that of the main building or to the main use of the premises.
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 easement.
  - b) Shall not be nearer than 2 feet to any side yard lot line.
  - c) Shall not be nearer than 10' to the rear yard.
  - d) The proposed structure meets the overall height requirement of no taller than 30'.
4. Staff recommendation – Conditional Use – **Oversized unattached accessory building**

**Action Item: Conditional Use – Oversized unattached accessory building**

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 Roger Albertson. M/C All were ayes.

- 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 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.

#### **CONDITIONAL USE #21-06**

**Owner/Applicant:** Lance Nordstrom of Nordstrom Investment Co LLC along with Dan Stapleton

**Property Description:** Lots 47 & 48 of Nordstrom's Addition in the SW ¼ of Section 25-106-52, Lakeview Township

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

**Request:** The applicant would like to expand their current campground to add additional sites.

**History/Issue(s):**

1. Jacobs Landing Campground currently has 33 full RV hook-ups with rural water, sanitary sewer and electricity. Requesting to add an additional 23 spots to a total of 56 full hook-up sites. There is great demand for additional sites at this current campground.
  - a. Existing campground was approved April of 2017, Conditional Use permit #17-02. No additional conditions were added at that time.
2. Lake County Ordinance requires a landowner to go thru the conditional use process when located in the LP -1 District.
3. Lake Madison Sanitary District and the SD Dept of Health have been contacted. They have no concerns about this expansion request. This campground is in compliance with state and local regulations.

**Action Item: Conditional Use – Private Campground Expansion**

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 Dan Hansen. M/C All were ayes.

- Private and Commercial Parks and Campgrounds are allowable as a conditional use in the LP 1 – Lake Park District 1 under certain conditions.
- There are other private parks and campgrounds 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.

**PLATS:**

**A Plat of Tract 1 of Brod Addition** in Government Lot 2 in the NW ¼ of Section 30-106-52, Lakeview Township was presented to the Planning Commission. This plat is located in the “A” District. Subdividing the adjacent farmland from the existing farmstead. 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 9 in Block 2 Lakes Community Addition** in government lots 5 & 6 in the S 1/2 of Section 32-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Subdividing land for potential future single-family residential development. 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 Roger Albertson. M/C All were ayes.

**A Plat of Lot 19 in Block 8 Lakes Community Addition** in NE ¼ of the SE 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 land for potential 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 Aaron Johnson. M/C All were ayes.

**PUBLIC COMMENT:**

Zoning Official Mandi Anderson - Notice that there will be a joint public hearing of the Lake County Planning Commission and the County Board of Commissioners on June 1, 2021 at 10:30am in the Commission Room. A discussion will take place that pertains to a temporary ordinance (#21-76) regarding the issuance of local medical cannabis establishment permits and/or licenses.

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 9:37 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:**

Jody Ackerman, Alan Schaefer, Don Bickett, Roger Albertson, Aaron Johnson, Dan Hansen and official Mandi Anderson were all present. Dale Thompson was absent but excused.

**AGENDA/ADDITIONS:**

None.

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

**MINUTES/CORRECTIONS:**

Motion by Jody Ackerman to approve May 12th minutes sent to them by mail. Second by Aaron Johnson. M/C All were ayes.

Motion by Aaron Johnson to approve June 1st minutes sent to them by mail. Second by Roger Albertson. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**VARIANCE 21-07**

**Owner/Applicant:** BD Investments LLC, Twin Lakes Animal Clinic (David Maier & Brooke Braskamp)

**Property Description:** Lot 1 & West 50' of the North 150' of Lot 2 of Jensen's Bro's Subdivision in the NW ¼ of Section 12-106-53 & the North 50' Lot A of Robert D. Jensen's Subdivision of Lot 11 of Jensen Bro's Subdivision of the NW ¼ of Section 12-106-53, Herman Township

**Zoning Designation:** "C/I" Commercial/Industrial District (Agricultural Use)

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

**History/Issue(s):**

1. The applicant is requesting to build an addition onto their existing animal clinic.
2. Lake County Ordinance requires that structures on all corner lots shall observe two front yards and the depth of the front yard on each street which the lot abuts, shall be not less than 75 feet when located in the "C/I" District with an "A" Agricultural Use. And in no case shall an accessory building be located or extended into the front yard. If they cannot meet the setbacks, they shall go through the Variance process.
  - a. They are requesting a 30' variance from the west front yard, placing the addition approximately 45' from the lot line or edge of the ROW of Township Road 453rd Ave.
  - b. Existing structure does currently meet the required setback from the west front yard lot line.
  - c. The structure would meet all other setbacks (north front yard, rear, side, height).
  - d. This proposed addition will not affect the vision clearance and shall not be placed within the 50' required setback of the triangular area formed by the intersecting roads. Article XII Section 1202.
3. From 1979-1998 this property was owned by Interlakes and was known as Interlakes Feed Supply. The property was then purchased by Tom Heirigs and converted into an animal clinic sometime after that. Unable to located a Conditional Use permit related to this use change. However, the use of the property is not prohibited in the district it is located in.
4. A variance was approved and issued in 1996 for a front yard setback from SD Highway 34/81. This addition was to replace, at that time, the old school house being used as office space. The old school house was removed and the addition was constructed 59' from the edge of the Highway ROW.
5. Adjoining neighbors and township road authority have been contacted. They raise no objections to the variance request and their signatures were obtained in approval.

Discussion: Brooke and David both explained the that the new addition will be used for an equine exam area. The proposed area requested is the only location on the property that would not create safety or traffic concerns. Their septic system is located on the southwest side of the existing structure and the south side is where the animal loading and unloading areas are. The East side is also a loading area.

### Variance – Front Yard Setback

Motion by Aaron Johnson 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 Alan Schaefer. M/C All were ayes.

The planning commission recommends the following preliminary 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 not be in harmony with the general purpose and intent of the Ordinance.
- The granting of the variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- That there are extraordinary and exceptional situations and special conditions or circumstances that exist which are peculiar to the land, structure, or building involved. Existing structure is located at the minimum required AG setback making an addition impossible without a variance on the north and west, existing sewer location, traffic and safety concerns if attempted to add addition onto south side, snow accumulation, drainage of lot.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the "C/I" district, "A" use.
- 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.
- The reasons set forth justify the granting of the variance.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.

### **CONDITIONAL USE #21-08**

\*signed personal right to appearance.

**Owner/Applicant:** John Roling

**Property Description:** East ½ of Lot 2 & All of Lots 3 & 4 of Jorgenson Addition in Government Lot 2 in the NW ¼ of Section 15-106-53, Herman Township

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

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

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

1. The applicant is requesting to build a new single-family home with an oversized garage on his property.
  - a) Proposed garage/accessory dimensions requested are 52' x 24' x 10' with 1,248 sq/ft.
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 easement.
  - b) Shall not be nearer than 10 feet to any side yard lot line.
  - c) Shall not be nearer than 25' to the rear yard.
  - d) The proposed structure meets the overall height requirement of no taller than 30'.

#### **Action Item: Conditional Use – Oversized accessory/garage/shop**

Motion by Dan Hansen to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Roger Albertson. M/C All were ayes.

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

**A Plat of Lot 11 in Block 1 Peterson's Second Addition** in Outlot 3 of Government Lot 2 in the NE ¼ of Section 23-106-52, Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing land for potential 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.

**PUBLIC COMMENT:**

None

Motion by Jody Ackerman to adjure the Planning Commission Meeting. Second by Aaron Johnson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:50 AM.

**SPECIAL MEETING TO CONVENE JOINTLY AS THE PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS.**

**June 1, 2021 @ 10:30 AM**

**Ordinance #21-76 Temporary Ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses.**

The special joint meeting of the Lake County Planning Commission & Board of County Commissioners was called order at the hour of 10:30 AM in the County Commission Board Room.

ROLL CALL: Jody Ackerman, Dale Thompson, Don Bickett, Roger Albertson, Aaron Johnson and Dan Hansen were all present. Alan Schaefer was absent but excused.

Chair Don Bickett called for a motion from a Planning Commission member to recommend approval of Ordinance #21-76 to the Board of County Commissioners and begin discussion.

Motion by Jody Ackerman to recommend approval of Ordinance #21-76 to the Board of County Commissioners. Second by Roger Albertson.

Opened the hearing to the public.

County Commission chair Kelli Wollmann called for public testimony. No proponents present for comments. No opponents present for comments.

Closed public hearing.

Discussion between the Planning Commissioners and Board of County Commissioners took place. Comments were positive and in favor of approving the temporary ordinance for medical marijuana.

Don Bickett called for a vote of the Planning Commission members, the motion and second was for recommending approval of Ordinance #21-76 to the Board of County Commissioners. All were ayes.

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:**

Jody Ackerman, Dale Thompson, Alan Schaefer, Don Bickett, Roger Albertson, Aaron Johnson, Dan Hansen and Official Mandi Anderson were all present.

**AGENDA/ADDITIONS:**

None.

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

**MINUTES/CORRECTIONS:**

Motion by Roger Albertson to approve June 9th minutes sent to them by mail. Second by Jody Ackerman. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**CONDITIONAL USE #21-09**

\*Signed personal right to appearance.

**Owner/Applicant:** Joseph & Sandra Neville along with contractor, JR Christensen

**Property Description:** Lot 55 & 55A of Hilde's Addition in the SW ¼ of Section 23-106-52 and in the NW ¼ of Section 26-106-52, Lakeview Township

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

**Request:** The applicant would like to build a garage with greater dimensions than Ordinance regulates.

**History/Issue(s):**

1. The applicant is requesting add a garage addition to his already existing detached garage.
  - a) Existing garage square footage is 864 sq/ft, new addition approximately 500 sq/ft for an overall square footage of 1,364. Will have a 10' sidewall.
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 easement.
  - b) Shall not be nearer than 2 feet to any side yard lot line.
  - c) Shall not be nearer than 25' to the rear yard.
  - d) The proposed structure meets the overall height requirement of no taller than 30'.
  - e) He shall not be nearer than 10' to the primary structure.

**Action Item: Conditional Use – Oversized 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.

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

#### **PLATS:**

**A Plat of Lots 45A & 46A of Nordstrom's Addition** in the SW ¼ of the SW ¼ of Section 25-106-52 and in Government Lot 1 and the NW ¼ of the NW ¼ of Section 36-106-52, Lakeview Township was presented to the Planning Commission. This re-plat is located in the "LP-1" District. Re-subdividing lot 45A for potential 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 Dan Hansen. M/C All were ayes.

**A Plat of Tract 1 of Van Liere's Addition** in the W ½ of Section 32-105-51, Chester Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the farmland for transfer. 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 Lot 1, Lot 2 and Lot 3 of Boer's Addition** in the SE ¼ and the S ½ of the SW ¼ of Section 31-107-53, Farmington Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing AG land for future family land separation. 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 Jody Ackerman. M/C All were ayes.

**A Plat of Lot 7 in Block 2 Lakes Community Addition** in government lot 5 Section 32-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing land for potential 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 Roger Albertson. M/C All were ayes.

**A Plat of Lot 1 in Block 8 Lakes Community Addition** in NE 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 land for potential future single-family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Roger Albertson to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**A Plat of Lots 25 & 26A in Block 8 Lakes Community Addition** in NE ¼ of the SE ¼ of Section 32-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Re-subdividing Lot 26 and subdividing a lot for potential future single-family residential development. 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 Alan Schaefer. M/C All were ayes.

**A Plat of Tract 1 of Ordal Addition** in the S ½ of the NE ¼ of Section 28-105-52, Franklin 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 Dan Hansen. M/C All were ayes.

**A Plat of Lot 19A & Lot 20A Christansen's Harbor 17th Addition** in the N ½ of Section 26-106-52, Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing lots for potential future single-family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Dale Thomson 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 Dan Hansen. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:48 AM.

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:02 AM in the County Commission Board Room.

**ROLL CALL:**

Jody Ackerman, Alan Schaefer, Don Bickett, Aaron Johnson, Dan Hansen and Official Mandi Anderson were all present. Dale Thompson and Roger Albertson were absent but excused.

**AGENDA/ADDITIONS:**

None.

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

**MINUTES/CORRECTIONS:**

Motion by Alan Schaefer to approve July 14th minutes sent to them by mail. Second by Aaron Johnson. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**PRELIMINARY PLAT AND DEVELOPMENT PLAN FOR ZIMMERMANN LANDING**

Property Owner: Scully Family Farm, LLP & Marcene E. Scully Trust

Applicant: Steve Van Buskirk - MVB Properties, Inc

Property Description: SW ¼ NW ¼ AND GOV LOTS 1 & 1 EXCEPT WICKLOW HILLS ADDITION SECTION 29, E ½ SW ¼ SECTION 29, LOT 1 EXCEPT THE SOUTH 200' THEROF ZIMMERMANN PARK, A SUBDIVISION OF GOV LOT 2 & GOV LOT 1 EXCEPT SCULLY'S 1ST ADDITION THEREOF, AND EXCEPT SCULLY'S 2ND ADDITION THEREOF, AND THE E ½ NW ¼ SECTION 32 ALL IN WENTWORTH TOWNSHIP, LAKE COUNTY SD.

Parcel Number: 02000-10651-29220 & 02000-10651-29225 & 02000-10651-32210 & 02280-10651-01010

Zoning Designation: "LP 1" –Lake Park-District 1 & "A" – Agricultural District

Steve Van Buskirk appeared on behalf of the development project. He was hired by the Scully family to develop this area. Proposing approximately 104 single family residential lots and a private recreational amenity park area. He highlighted on the private roads within the existing subdivisions and the proposed new road and the cost sharing for the improvements. Association fees for both a potential road district and the private park recreation amenity area. Road district to maintain, improve and repair the new and existing roads along with snow removal. This plan addresses the current drainage and the future potential drainage areas. The "green" park areas are there to help filter and protect the natural drainage from the adjacent farmland.

Official noted that all proposed residential lots are located within the Lake Madison Sanitation District – Sanitary Sewer. Area of Development Opportunity. The far east portion of the proposed private park area are located outside of the Sanitary District in the "A" Agricultural District but is an approved use in that district. All subdivision plans comply with the laws, rules, and regulations found in the Comprehensive Plan and the Zoning Ordinances of the County. The proposed use of the lands involved are consistent with future lake residential goals found in the Comprehensive Plan. Does not intrude upon or mix with intensive AG, industrial or commercial uses. Incorporates streets, park area and general utilities development plans. The proposed single family residential lots all appear to meet the required minimum lot width and density for the Lake Park District-1.

Discussion between the board and the applicant: Commissioners brought up questions pertaining to the sewer, water, drainage, snow removal, roads, private park area. One large topic was fire safety on the dead-end road and the width of the hard surface. Adequate amount of width is needed for fire trucks and equipment and an adequate amount of road surface would be a minimum of 24'. Also adding a cul-de-sac or hammerhead to the dead-end road for turn around.

Discussion was open to the public: No opponents, only proponents and neutral parties that live directly adjacent to this proposal development showed to give their opinions and concerns. Topics of concerns that arose were the roads and improvement costs,

increased traffic, a turn around area, gated community, construction equipment damaging the roads, snow removal, road district details, utility impacts and drainage.

Commissioners voiced their hopes that all these concerns would be addressed before the final plat plan is approved and moving forward with this development.

Motion by Alan Schaefer to recommend approval of the Zimmermann Landing Preliminary Plat to the county commissioners and authorize the chair to sign the preliminary plans. Second by Jody Ackerman. M/C All were ayes.

#### **CONDITIONAL USE #21-10**

\*Applicant signed waiver of personal appearance

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

**Property Description:** Lot 5 Block 8 Lakes Community Addition in the NE ¼ of Section 32 of Wentworth Township

**Parcel Number:** 02004-00800-05010

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

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

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

1. Applicant is requesting to build a twin home on an existing lot. Two story mirror image multi-family home with two dwelling units.
  - a. There are several other multi-family homes in this immediate area. This lot was subdivided in the past with the intentions for a future multi-family home request.
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 lot meets the schedule of regulations for the minimum density and required square footage for this proposed twin home.
4. The proposed structure meets all the required setbacks for a multi-family home.

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

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 Dan Hansen. M/C All were ayes.

- 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.

**9:42 AM - Chair Don Bickett had to leave the meeting early for an appointment, Vicechair Alan Schaefer took over the remainder of the hearing.**

#### **PLATS**

**A Plat of Lots 1B & 1C, Block 15, Lake Madison Chautauqua** in the NE ¼ of Section 22-106-52, Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Subdividing an existing lot into two lots for potential 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 Jody Ackerman. M/C All were ayes.

**A Plat of Lots 1A & 1B in Block 5A of Silver Creek Lakes Addition** in a part of County Auditors Subdivision of Lot 4 in Government Lot 4 Section 32-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Subdividing an existing lot for multi-family home separation. 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 Dan Hansen. M/C All were ayes.

**A Plat of Lot 38 in Block 8 Lakes Community Addition** in Government Lot 7 in Section 31-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing land for potential future single-family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Dan Hansen to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**A Plat of Lots 29A & 31 in Block 8 Lakes Community Addition** in government lot 7 and in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  all in Section 32-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Re-subdividing Lot 28 & 29 to add land in and subdividing lot 31 for potential future single-family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Jody Ackerman to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**PUBLIC COMMENT:**

None

Motion by Jody Ackerman to adjure the Planning Commission Meeting. Second by Aaron Johnson. Vicechair Alan Schaefer adjourned the Planning Commission meeting at the hour of 10:00 AM.

**SPECIAL MEETING TO CONVENE JOINTLY AS THE PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS.**

**August 31, 2021 @ 9:00 AM**

**Ordinance #21-77**

The special joint meeting of the Lake County Planning Commission & Board of County Commissioners was called order at the hour of 9:02 AM in the County Commission Board Room.

ROLL CALL: Jody Ackerman, Alan Schaefer, Dale Thompson, Don Bickett, Roger Albertson and Aaron Johnson were all present. Dan Hansen was absent but excused.

Planning Commissioner chair Don Bickett called for a motion from a Planning Commission member to recommend approval of Ordinance #21-77 to the Board of County Commissioners and begin discussion.

Motion by Roger Albertson to recommend approval of ORDINANCE #21-77, AN ORDINANCE ENTITLED, AN ORDINANCE AMENDING #06-44, AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR LAKE COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND ALL AMENDMENTS THERETO, IN ACCORDANCE WITH THE PROVISION OF CHAPTER 11-2, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH. Second by Jody Ackerman.

Opened the hearing to the public.

County Commission chair Kelli Wollmann called for public testimony. No proponents present for comments. No opponents present for comments.

Closed public hearing.

Discussion between the Planning Commissioners and Board of County Commissioners took place. Commissioner's Administrative Officer Shelli Gust read through each section of the proposed ordinance. Hours of cannabis dispensary were discussed and altered to read; Cannabis dispensaries are allowed to be open between the hours of 8:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturday. Cannabis dispensaries are to remain closed on Sundays and federal holidays.

Don Bickett called for a vote of the Planning Commission members for the motion that stands. All opposed. Motion fails.

Motion by Jody Ackerman to recommend approval of ORDINANCE #21-77, AN ORDINANCE ENTITLED, AN ORDINANCE AMENDING #06-44, AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR LAKE COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND ALL AMENDMENTS THERETO, IN ACCORDANCE WITH THE PROVISION OF CHAPTER 11-2, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH AND THE AMENDED HOURS OF OPERATION. Second by Aaron Johnson. M/C All were ayes.

Motion by Jody Ackerman to adjure the Planning Commission Meeting. Second by Alan Schaefer. Chair adjourned the Planning Commission meeting at the hour of 9:45 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:**

Dan Hansen, Aaron Johnson, Roger Albertson, Don Bickett, Alan Schaefer, Dale Thompson, Jody Ackerman and Official Mandi Anderson were all present.

**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 August 11th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

Motion by Roger Albertson to approve August 31st minutes sent to them by mail. Second by Jody Ackerman. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**PLATS**

\*Planning Commissioner Dale Thompson recused himself for the Thompson and Gracevale plats.

**A Plat of Tract 2 of Thompson Addition** in the SW ¼ of Section 1-105-54, Clarno Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing AG land for land transfer. 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 Dan Hansen. M/C All were ayes.

**A Plat of Tract 1 of Gracevale Addition** in the SE ¼ & the SW ¼ of Section 7-105-53, Orland Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing AG land for land transfer. 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 Tract 1 of Thompson Addition** in the SE ¼ & the NE ¼ of Section 7-105-53, Orland Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing AG land for land transfer. Meets Lake County Regulations and the taxes have been paid in full. Motion by Roger Albertson to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**A Plat of Tracts 1, 2 & 3 of Thompson Addition** in Section 2-105-54, Clarno Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing AG land for land transfer. Future potential CAFO proposal on Tract 1. 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 Dan Hansen. M/C All were ayes.

\*Planning Commissioner Dale Thompson rejoins the meeting.

**A Plat of Lot 1 Fischer's Addition** in the SE ¼ of Section 26-107-54, Concord 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 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 1 of Leighton's Addition** in the South ½ of the SW ¼ of Section 7-106-53, Herman 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 Alan Schaefer. M/C All were ayes.

**A Plat of Tract 1 of Goeman Addition** in Government Lot 1 in the NE ¼ of Section 23-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Subdividing land for potential future single-family residential development. 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 Roger Albertson. M/C All were ayes.

Applicant Gary Fikse or a representative did not attend meeting for Variance #21-08 therefor the Planning Commission did not hear or take action on the proposed request.

**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 8:53 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:**

Dan Hansen, Aaron Johnson, Roger Albertson, Don Bickett, Alan Schaefer, Dale Thompson, Jody Ackerman and Official Mandi Anderson were all present.

**AGENDA/ADDITIONS:**

None.

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

**MINUTES/CORRECTIONS:**

Motion by Dale Thompson to approve September 8th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

**PUBLIC COMMENT:**

None.

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**VARIANCE #21-08**

**Owner/Applicant:** Gary & Melissa Fikse

**Property Description:** Lot 18 Tract 1 Colton Park Siding South Section 31-106-51, Wentworth Township

**Parcel Number:** 02681-10651-01018

**Zoning Designation:** "LP 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 an addition onto the rear of their existing garage with living above.
  - a. This property lies behind the private road and the rear of the property abuts a slough/wet land area.
  - b. Existing garage with living above (24'x30'), addition to include garage with living above (24'x20').
  - c. The total attached garage square footage will not exceed 1,200 sq/ft.
2. Lake County Ordinance requires that a single-family structure (living dwelling) 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 3' variance from the SW side yard proposing the new addition to sit 6' off of the side yard property line and requesting a 2' variance from the NE side yard proposing the new addition to sit 7' off of the side yard property line. They meet the required maximum height and the rear yard setback.
4. A "side yard variance" was granted by the BOA to the existing structure in June of 2005.
5. This lot was approved and platted in 2001 but is considered nonconforming due to the width only being 37.5' on the road side and the square footage of only 3,750 sq. /ft. Conditions particular to the property were not the result of the actions of the applicant and enforcement of the Ordinance could result in unnecessary and undue hardship.
  - a. Minimum lot width requirement for LP-1 district is 75 feet.
  - b. Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
6. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.

Discussion: Fire safety and drainage.

**Variance – Side Yard Setbacks**

Motion by Aaron Johnson 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 Dan Hansen. M/C All were ayes.

The planning commission recommends the following preliminary 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 not be in harmony with the general purpose and intent of the Ordinance.
- The granting of the variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 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 lot size and previously approved variance, location of the existing 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 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.
- The reasons set forth justify the granting of the variance.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.

#### **VARIANCE #21-09**

**Owner/Applicant:** Nicholas & Ashley Podhradsky Contractor – Craig Williams, Williams Brother Construction

**Property Description:** Lot 36 Block 1 of Woodland’s 66th Addition in Government Lots 7 & 8 of Section 22 & North ½ of NE ¼ of Section 27 all in Lakeview Township

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

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

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

1. The applicant is requesting to build a pool house on the lake side adjacent to Lake Madison. Proposing to build a single level living accessory structure next to their existing pool.
  - a. This lot is not directly located on the lake shore of Lake Madison but rather located in the man-made harbor area.
2. Where adjoining lots are developed with a setback greater than 25’, Lake County Ordinance requires that all structures (except boathouses) 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.
  - a. Rear Yard - On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.
3. They are requesting an approx. 76’ variance on the lakeside from the average of the developed lots. The average of the adjoining lots is 166’. They are requesting to build with a proposed setback of 90’.
  - a. They meet all other required (front, sides, OHWM, height) setbacks.
4. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their approvals were obtained via email.

Discussion: Sanitary District approval and a lift station for the new structure. Homeowners brought up that they want to add value and tax revenue with this project and they would really like to have a place for people to go when wet from the pool and a place to wash pool towels. They said there are many other structures around the lake that have “boat houses” that are not in fact not a boat house at all and are more of an accessory living structure on the lake side.

Commissioners Dale Thompson and Jody Ackerman both voiced their opinions about the amount of footage they would be approving and they thought it wasn’t the intent of the ordinance to grant such large special requests such as this. They think for the most part the averaging on the lake should be upheld and a variance should be within reason and this isn’t a reasonable request. Commissioner Aaron Johnson was in support of their proposal and voiced in favor of more tax revenue this project would bring.

#### **Variance – Rear 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 outlines in the staff report. Second by Dan Hansen. Dan, Aaron, Roger, Don and Alan were ayes. Dale and Jody were nay. Motion approved.

The planning commission recommends the following preliminary 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 not be in harmony with the general purpose and intent of the Ordinance.
- The granting of the variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 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 lot is not directly located on the lake but rather in the marina.

- 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 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.
- The reasons set forth justify the **granting** of the variance.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.

**Open Meetings Law Training and Discussion:** Shelli Gust and Wendy Kloeppner from the State’s Attorney’s Office brought forth general open meetings law and public comment information regarding the planning board.

Planning Commissioner Jody Ackerman excused herself at 9:35am.

Planning Commissioner Dale Thompson excused himself at 9:40am.

## **PLATS**

**A Plat of Tract 2 of Goeman Addition** in Government Lot 1 in the NE ¼ of Section 23-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Subdividing land for potential future single-family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Dan Hansen to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**A Plat of Lot 26 in Block 1 of Peterson’s Second Addition** in outlot 3 of Government Lot 2 in the NE ¼ of Section 23-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Subdividing land for potential 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 Roger Albertson. M/C All were ayes.

**A Plat of Block 1 & 2, Rislov & Spencer Addition** in Government Lot 5 in the SW ¼ of Section 22-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Resubdividing two lots to add additional land into Block 1. 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 Powell’s Addition** in the SE ¼ of the SW ¼ of Section 5-107-51, Rutland 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 Roger Albertson to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

**A Plat of Lots 2A & 3A in Block 1 Lakes Community Addition** in government lot 3 and in the SW ¼ of Section 32-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Re-subdividing existing lot 2 & 3 to add additional land into Lot 2A for potential 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 Aaron Johnson. M/C All were ayes.

**A Plat of Lot 36 in Block 8 Lakes Community Addition** in Government Lot 7 in Section 32-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Subdividing land for potential future single-family residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Roger Albertson to recommend the approval of this plat to the County Commission. Second by Dan Hansen. M/C All were ayes.

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 10:05 AM.

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:06 AM in the County Commission Board Room.

**ROLL CALL:**

Aaron Johnson, Don Bickett, Alan Schaefer, Dan Hansen, Jody Ackerman and Official Mandi Anderson were all present. Dale Thompson resigned early from commissioner position and Roger Albertson was excused from today's meeting.

**AGENDA/ADDITIONS:**

None.

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

**MINUTES/CORRECTIONS:**

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

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**CONDITIONAL USE #21-11**

\*Signed personal right to appearance.

**Owner/Applicant:** MV Enterprises, LLC, Micheal Verley

**Property Description:** Lot 6A Block 4 Lakes Community Addition in Section 32, Wentworth Township

**Parcel Number:** 02004-00400-06010

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

**Request:** The applicant would like to build multi family home.

**History/Issue(s):**

1. Applicant is requesting to build a fourplex dwelling on an existing lot he owns.
  - a. There are several other multi-family homes in this immediate area. This lot was subdivided in the past with the intentions for a future multi-family home request.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build multi-family dwellings when located in the Lake Park -1 District.
3. The lot meets the schedule of regulations for the minimum density and required square footage for this proposed fourplex home.
4. The proposed structure meets all the required setbacks for a multi-family usage.

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

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.

- 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 development.
- 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.

#### **CONDITIONAL USE #21-12**

\*Signed waiver of right to personal appearance.

**Owner/Applicant:** Jeff & Rhonda Erickson

**Property Description:** Lots 2 & 3 Block 2A of Lakes Community Addition in Section 32, Wentworth Township

**Parcel Number:** 02004-00200-03000 & 02004-00200-02010

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

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

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

1. The applicant is requesting to build an oversized attached garage addition on his existing dwelling and convert the existing garage space into additional living space.
  - a) Proposed garage/accessory dimensions requested are 38' x 36' garage space (1,368 sqft) with an 8' x 10' entrance/mudroom.
  - b) Addition to be built overtop the adjacent abutting lot line, Lot 2, which the applicant also owns.
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 easement.
  - b) Shall not be nearer than 9 feet to any side yard lot line.
  - c) Shall not be nearer than 25' to the rear yard.
  - d) The proposed structure meets the overall height requirement of no taller than 30'.

#### **Action Item: Conditional Use – Oversized attached garage**

Motion by Jody Ackerman to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Dan Hansen. M/C All were ayes.

- 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.

#### **PLATS**

**A Plat of Lots 1 and 2 of B&P Acres Addition** in the NE ¼ of Section 5-105-51 of Chester Township & the SE 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 land for potential 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 Tract 1 of Wheeler Addition** in the SE ¼ of the NE ¼ and the NE ¼ of the SE ¼ of Section 3-105-51 in Chester 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 Dan Hansen. M/C All were ayes.

**A Plat of Lot 1 South Pond Addition** in the N ½ of NE ¼ of Section 27-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Resubdividing an existing single family residential lot to add in vacated road and pond area. Meets Lake County Regulations and the taxes have been paid in full. Motion by Dan Hansen to recommend the approval of this plat to the County Commission. Second by Jody Ackerman. M/C All were ayes.

**A Plat of Tract 1 of Scully’s Addition** in the E ½ of the NW ¼ of Section 32-106-51, Wentworth Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Subdividing the farmland away from the adjacent proposed residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Jody Ackerman to recommend the approval of this plat to the County Commission. Second by Alan Schaefer. M/C All were ayes.

**DISCUSSION:** Dale Thompson resigned from his term a bit early, there is now a vacancy for a planning commission member.

**PUBLIC COMMENT:**

None.

Motion by Jody Ackerman to adjure the Planning Commission Meeting. Second by Dan Hansen. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:55 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:**

Roger Albertson, Don Bickett, Alan Schaefer, Dan Hansen, Jody Ackerman and Official Mandi Anderson were all present. Aaron Johnson was absent but excused from today's meeting.

**AGENDA/ADDITIONS:**

Add Planning Commission Applicants discussion.

Motion by Jody Ackerman to approve the revised agenda. Second by Dan Hansen. M/C All were ayes.

**MINUTES/CORRECTIONS:**

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

**OLD/UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**Conditional Use #21-13**

Owner/Applicant: Boadwine Farms, Inc      Kent & Lynn Boadwine

Property Description: NE ¼ of Section 27-108-53, Badus Township

Parcel Number: 12000-10853-27110 & 12000-10853-27115

Zoning Description: "A" Agricultural

Request: Requesting a conditional use permit for a change in ownership of a Class B CAFO.

History/Issue(s):

1. The applicant recently purchased an existing dairy located northeast of Ramona, SD. The dairy consists of approximately 1,399 head of mature dairy cattle.
  - a. Lake County Ordinance considers a Class B CAFO containing 1,399 head of dairy cattle to be equal to 1,960 animal units. Class B CAFO ranges from 1,000 – 1,999 animal units.
2. Lake County Ordinance requires a landowner to go thru the conditional use process in the agricultural district when a change in ownership is made for an existing Class A or B CAFO.
3. There are existing barns, parlor, settling ponds, holding ponds and silage area. They may request a building permit in the future to add onto an existing barn but that will not impact the number of animals present on the property.
4. The existing CAFO is in conformance with Lake County Zoning Ordinance for a Class B.
  - a. The barn is located at least 150' off the township road r-o-w and a site plan has been provided;
  - b. There are no concerns regarding the existing barns or ponds to be a potential pollution hazard. The structures meet all required minimum setback and separation distances. This barn is not located in a shallow aquifer, designated wellhead protection area or the 100-year floodplain. No drainage will contribute directly into a creek, stream or lake;
  - c. Soil reports have been provided;
  - d. A nutrient management plan has been developed and they will maintain and follow it to the SD Dept. of Environment and natural resources' standards;
  - e. They will follow their manure management plan and the county manure application setbacks will be followed to minimize air and water quality impacts;
  - f. Kingbrook Rural water has been notified for their current water supplier.
5. This operation is located off of a Badus Township Road and the road authority has been notified.
6. Staff recommendation – Conditional Use – Change in ownership for an existing Class B CAFO  
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.

**Action Item: Conditional Use – Change in ownership for an existing Class B CAFO**

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 Roger Albertson. M/C All were ayes.

- CAFO's are allowable as a CU in the Agricultural District under certain conditions and this request would not be injurious to the neighborhood or detrimental to the public welfare.
- There are other existing CAFO operations in the area so it would be generally compatible with adjacent properties and other property in the district.
- The CAFO is not out of the ordinary being located in the AG District.
- They have provided all the required information for a Class C CAFO permit.
- Kingbrook Rural Water and Badus township have not objected to the Conditional Use request.
- Meets all the Lake County required minimum setback and separation distances.
- If approved, the conditional use shall continue compliance with all of the requirements and conditions herein and 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.

**PLATS**

**A Plat Tract 1 Walz Addition** in Section 30-106-51 of Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Resubdividing several lots into one conforming single family residential lot. Meets Lake County Regulations and the taxes have been paid in full. Motion by Jody Ackerman to recommend the approval of this plat to the County Commission. Second by Dan Hansen. M/C All were ayes.

**A Plat of Lots 1 & 2 Hoff Addition** in the SW ¼ of Section 31-107-53 in Farmington Township was presented to the Planning Commission. This plat is located in the "A" District. Resubdividing the existing farmstead into two conforming lots. Meets Lake County Regulations and the taxes have been paid in full. Motion by Roger Albertson 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 Reinicke Pit Addition** in 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. Resubdividing an existing single family residential lot to add in additional land. 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 Dan Hansen. M/C All were ayes.

**A Plat of Tract 3 & 4 of Mergen's Addition** in the SE ¼ of the NW ¼ & the SW ¼ of Section 16-106-51, Wentworth Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing Ag land/slough area away from the farm ground for program purposes. Tract 3 meets Lake County Regulations. Tract 4 does not meet or conform to all existing applicable zoning, subdivision regulations and is considered non-conforming and development for residential and/or commercial purposes shall be prohibited. The taxes have been paid in full. Motion by Roger Albertson to recommend the approval of this plat to the County Commission. Second by Jody Ackerman. M/C All were ayes.

**A Plat of Lot 1 McConaghy's 3rd Addition** in the SW ¼ of Section 34-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. Resubdividing an existing single family residential lot to add an additional residential lot. This quarter quarter (NW ¼ of the SW ¼) of land now exhausts their residential eligibilities. 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 Dan Hansen. M/C All were ayes.

**A Plat of Block 1 Spotanske Addition** in the SW ¼ of Section 2-105-53 in Orland Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing an existing farmstead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Dan Hansen to recommend the approval of this plat to the County Commission. Second by Jody Ackerman. M/C All were ayes.

**APPOINT BOA ALTERNATES:** Roger Albertson and Jody Ackerman have offered and been selected to take the BOA alternate positions when the need arises in the future. 1st Alternate is Roger Albertson, 2nd alternate is Jody Ackerman.

**PLANNING COMMISSION APPLICANTS:** Applications received. At this time the decision was to allow the vacancy to remain open for additional applicants. Will discuss and make a recommending decision at January's meeting after all applicants have been reviewed.

**PUBLIC COMMENT:**

None.

Motion by Alan Schafer to adjure the Planning Commission Meeting. Second by Dan Hansen. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:14 AM.