

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:

Alan Schaefer, Don Bickett, Dan Hansen, Aaron Johnson, Roger Albertson, Jody Ackerman, Mark Ferber 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:

Motion by Aaron Johnson to approve March 9th minutes sent to them by mail. Second by Dan Hansen. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

VARIANCE #22-01

Owner/Applicant: Michael & Deann Heinemann

Property Description: Lots 12-13 & SE Diagonal ½ of Lot 14 Krumms Subdivision & the vacated road in the NE ¼ of Section 10-105-51 of Chester Township

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

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

History/Issue(s):

1. The applicant is requesting to place a non-living storage shed and covered patio on the lake side adjacent to Brant Lake. Requesting a 10' x 16' single level shed on a concrete pad and a 12' x 16' covered concrete patio below it.
 - a. This area of the lake does have a significant slope to the lots on the lake side. The adjoining neighbor's view does not appear to be impacted due to this significant slope.
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. They shall also be setback a minimum of 25' from the OHWM. If they cannot meet the setbacks, they shall go through the Variance process.
3. They are requesting an approx. 33' variance on the lakeside from the average of the developed lots. The average of the adjoining lots is 55'. They are requesting to build with a proposed setback of 22' from the OHWM with the covered patio.
 - a. They meet all other required (front, sides, height) setbacks.
4. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained in approval.

Motion by Dan Hansen 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. 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** 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. **The shed and patio area are below the line of site from the neighbors and the shed meets the required 4' above OHWM.**
- 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 topography of this lot.**
- 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.

CONDITIONAL USE #22-09

*Applicant has waived their right to personal appearance.

Owner/Applicant: Vanheerde Properties, Dean Vanheerde

Property Description: Lot 17 Andie's Addition in Govt Lot 7 of Section 3-105-51 Chester Township

Parcel Number: 01401-10551-03417

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

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

History/Issue(s):

1. The applicant is requesting to build a shed with living quarters inside with an oversized attached garage space.
 - a) Proposed garage/accessory approximately 1,292 sq/ft with 14' sidewalls.
 - b) Several other oversized attached garages in the immediate area.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the "LP 1" District.
3. He meets all setbacks on this lot.
 - a) He is adjacent to a private road easement (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w 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'.
4. A portion of the structure will be located within the FEMA designated Zone A floodplain but the structure foundation will meet the required minimum elevation and has had an elevation certificate issued to it.

Discussion took place between members about the "living area" within the structure.

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 Aaron Johnson. Dan, Aaron, Roger, Don, Mark and Alan were ayes. Jody was nay. Motion approved.

- 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.
- The structure meets the required minimum setbacks of the lot.
- 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 #22-10

*Applicant has waived their right to personal appearance.

Owner/Applicant: Shane Lien

Property Description: Tract A of Lidel's Addition in Government Lots 2 & 3 of Section 9-105-51 Chester Township

Parcel Number: 01007-10551-09115

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

Request: The applicant would like to build an accessory shed with greater dimensions.

History/Issue(s):

1. The applicant recently just purchased a single-family residential lot with a home and other accessory structures and would like to build an oversized shed for his own personal storage.
 - a) Proposed detached shed/accessory is a 40' x 60' with a 12' sidewall, 2,400 sq/ft.
 - b) This property is very large in density and can accommodate the oversized shed on the property.
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 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'.

Action Item – Conditional Use - Oversized accessory structure

Motion by Mark Ferber 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 detached sheds/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other attached oversized detached accessory structures around the lake so it would be generally compatible with adjacent properties and other property in the district.
- The structure meets the required minimum setbacks of the lot.
- 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 #22-11

*Applicant has waived their right to personal appearance.

Owner/Applicant: Mike Brown

Property Description: Lot 4 Block 3 Woodland's 35th Addition in the SE ¼ of Section 22-106-52 Lakeview Township,

Parcel Number: 06035-00300-04010

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 home with an oversized attached garage.
 - a) Proposed attached garage/accessory approximately 1,396 sq/ft.
 - b) Several other oversized attached garages in the immediate area.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the "LP 1" District.
3. He meets all setbacks on this lot.
 - a) He is adjacent to a private road easement (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w 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 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.

- 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.
- The structure meets the required minimum setbacks of the lot.
- 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 #22-12

*Applicant has waived their right to personal appearance.

Owner/Applicant: Roger & Brenda Roth

Property Description: Lot 2 Nold's 1st Addition in Government Lot 3, Section 36-106-52 Lakeview Township

Parcel Number: 06000-10652-36441

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.
 - a) Proposed attached garage/accessory approximately 1,552 sq/ft with a 14' sidewall.
 - b) The sidewall height does conform to the design of the home.
 - c) Several other oversized attached garages in the immediate area.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building with a taller sidewall height than 12' and greater than 1,200 sq/ft in the "LP 1" District.
3. He meets all setbacks on this lot.
 - a) He is adjacent to a private road easement (front yard) and ordinance regulates that they must have a front yard of no less than 10 feet from the road r-o-w 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 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.

- 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.
- The structure meets the required minimum setbacks of the lot.
- 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 #22-13

*Applicant has waived their right to personal appearance.

Owner/Applicant: Ryan Arpan & Amy Thrun

Property Description: Lot 8 in Block 1 of Peterson’s 2nd Addition in Outlot 3 of Government Lot 2 of the NE ¼ of Section 23-106-52 Lakeview Township

Parcel Number: 06700-00200-08010

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 just recently purchased a lot and is requesting to build a new single-family home with an oversized attached garage.
 - a) Proposed attached garage/accessory approximately 1,493 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 Mark Ferber 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.
- The structure meets the required minimum setbacks of the lot.
- 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.

PRELIMINARY PLAT & DEVELOPMENT PLAN FOR SMITH’S COVE

Owner/Applicant: Smith’s Cove, LLC, Dan Lemme & Eric Johnson – Representatives. Along with Jesse Morris from DGR Engineering

Property Description: LOT 1 & LOT 2 Excluding the W100’ N584.50’ & LOT 10 Excluding Thompson Tract #1 in the NE ¼ of Section 6, Chester Township

Zoning Description: “LP-1 & LP-3” Lake Park District-1 & 3 (Long Lake)

Parcel Number: 01000-10551-06115

Eric & Jesse appeared and presented a revising of the preliminary plan for Smith's Cove between Lake Madison and Long Lake. They platted out what was the "proposed campground area" on Long Lake into single family development lots. Added approx. an additional 30 residential lots.

Motion by Jody Ackerman to recommend the approval of this revised preliminary plan/plat to the County Commission. Second by Dan Hansen. M/C All were ayes.

PLATS:

A Plat of Tract 1 of Riedel Addition in the SW ¼ of Section 11-107-54 of Concord Township was presented to the Planning Commission. This plat is located in the "A" District. Re-subdividing the existing farmstead by adding in additional land and platting it away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

A Plat of Lots 2A & 2B of Doerr's Addition in the SE ¼ of Section 2-106-53, Herman Township was presented to the Planning Commission. This plat is located in the "C/I" District. RE-Subdividing existing commercial lots. 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 Lot 3 in Block 8 of Lakes Community Addition in the NE ¼ of Section 32-106-51, Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing a lot for future single family residential development. The taxes have been paid in full. Motion by Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Roger Albertson. M/C All were ayes.

A Plat Lots 20 & 21 in Block 8 of Lakes Community Addition in the NE ¼ of the SE ¼ of Section 32-106-51, Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing lots for future single family residential development. The taxes have been paid in full. Motion by Roger Albertson to recommend the approval of this plat to the County Commission. Second by Mark Ferber. M/C All were ayes.

A Plat Tract 1A & Tract 3B of Lakes Community Addition in the government lot 3, 5, 6 & 7 and the NE ¼ of the SE ¼ and the NE ¼ all of Section 32-106-51, Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Re-Subdividing the golf course lot. The taxes have been paid in full. Motion by Mark Ferber 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 Alan Schafer to adjure the Planning Commission Meeting. Second by Roger Albertson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:34 AM.