

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

ROLL CALL:

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

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

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

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

CONDITIONAL USE #20-12

* Applicants waived their personal appearance.

Owner/Applicant: Brian & Andrea Van Liere

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

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

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

History/Issue(s):

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

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

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

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

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

- None.

Action Item: Conditional Use – Oversized Unattached Garage

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

VARIANCE-20-09

* Applicants waived their personal appearance.

Owner/Applicant: Tyler & Sarah Frost

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

Zoning Designation: “PD” Planned Development

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

History/Issue(s):

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

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

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

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

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

- None.

Action Item: Variance – Side and Rear yard setback

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

VARIANCE-20-10

* Applicants waived their personal appearance.

Owner/Applicant: Derek & Jeannie Williams

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

Zoning Designation: “LP 2” – Lake Madison

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

History/Issue(s):

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

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

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

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

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

- None.

Action Item: Variance – Minimum Side Yard setbacks

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

PLATS:

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

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

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

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

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

PUBLIC COMMENT:

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

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