

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.