

REGULAR
July 8, 2020

PLANNING
08:00 AM

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

ROLL CALL:

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

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

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

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

CONDITIONAL USE #20-10

* Applicants waived their personal appearance.

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

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

Zoning Designation: "C/I" District

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

History/Issue(s):

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

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

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

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

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

- NONE

Action Item: Conditional Use – Contractor Shop and Yard

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

CONDITIONAL USE #20-11

* Applicants waived their personal appearance.

Owner/Applicant: Jay Shank

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

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

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

History/Issue(s):

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

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

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

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

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

- None.

Action Item: Conditional Use – Oversized Unattached Garage

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

VARIANCE-20-08

* Applicants waived their personal appearance.

Owner/Applicant: Kurt & Diane Gildemaster

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

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

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

History/Issue(s):

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

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

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

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

- None.

Action Item: Variance – Lake Side Averaging setback

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

PLATS:

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

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

PUBLIC COMMENT:

None.

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