

REGULAR

PLANNING

July 12, 2023

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:

Aaron Johnson, Dan Hansen, Roger Albertson, Adam Leighton, Alan Schaefer, and Jody Ackerman also present was Official Carrie Schiernbeck, Shelli Gust, Kelli Wollman, Mike & Brian Siemonsma, Carter Schwader, Charlie Jonson, Jolene Johnson, Larry Kotten and Charlie Scholl.

AGENDA/ADDITIONS: None noted

MINUTES:

Motion by Alan Schaefer to approve the June 14, 2023 minutes sent to them by mail. Second by Jody Ackerman. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Variance #23-03

Owner/Applicant: Carter Schwader

45271 SD Hwy 34

Madison SD, 57042

Property Description: Lot 2 Mccracken's 2nd Add NE ¼ 11-106-53

Zoning Description: "A" Agricultural District

Parcel ID # 10001-10653-02010

Request: The applicant is seeking a Variance from the minimum Side yard and Front yard setbacks.

History/Issue(s):

1. He is requesting to build a new 36' x 56' (2,016 sq/ft) personal storage shed on his property.
2. Lake County Ordinance requires that all structures in the Ag have a minimum side yard setback of 30' feet on each side if applicable. Structures must also have a minimum Front Yard of 75' feet from the Road Right-of-way and in no case shall an accessory building be located or extended into the front yard.
3. Lake County Ordinance requires that a land owner go through the Variance Process if they cannot meet the setbacks. They are requesting to be 20' feet from the Side Yard Setback and 30' feet to the Road Right-of-way.
4. Applicant is requesting a Front Yard Setback of 30' feet and a Side Yard Setback of 20' feet.
5. Adjoining neighbors and township have been contacted. They have raised no objections to the Variance request. Their signatures were obtained.

6. Herman Township was notified and signed off on the approval.

7. Staff recommendation – Variance – **Minimum Side Yard & Front Yard Setback**

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.

8. On July 12, 2023 the Planning Commission recommended approval of the conditional use to the BOA based on the following findings:

- The Variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The adjoining landowners and township do not object to the Variance request.
- The Variance is the minimum Variance that will make possible the reasonable use of the land.
- There are other homes in the area that are on similar sized lots, so it would be compatible with other properties in this District.
- The proposed application is the minimum variance that will make possible the reasonable use land, building, or structure.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the “Ag” District.
- Adjoining neighbor and landowners have been notified as per Article V Section 505, Lake County Zoning Ordinance.
- The reasons set forth justify the variance.

Discussion item was the possibility of moving the proposed shed to the North Side of his property, Mr. Schwader indicated he would prefer not to move it North due to some existing mature trees and landscaping.

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

- None.
- Opponents: None
- Proponents: None

Action Item- Variance # 23-03 – Front and Side Yard Setbacks

Motion by Dan Hanson to recommend Variance # 23-03 to the County Board of Adjustment and adopt the facts and findings as outlined in the staff report. Second by Roger Albertson. M/C all were ayes.

Variance #23-04

Owner/Applicant: Mike & Emily Siemonsma

24397 464 Ave

Colton, SD 57018

Property Description: SE ¼ EX RLY & HWY # 196

Zoning Description: “A” Agricultural District

Parcel ID # 01000-10551-34410

Request: The applicant is seeking a Variance from the minimum Front yard setbacks.

History/Issue(s):

- 1.He is requesting to build a new 60'x 120' (7,200 sq/ft) personal storage shed on his property.
- 2.Lake County Ordinance requires that all structures in the Ag have a minimum Front Yard Setback of 75' feet from the Road Right-of-way and in no case shall an accessory building be located or extended into the front yard.

3.Lake County Ordinance requires that a land owner go through the Variance Process if they cannot meet the setbacks.

4.Applicant is requesting a Front Yard Setback of 15' feet, the front yard setback would be on the township road or 244th Street.

5.Adjoining neighbors and township have been contacted. They have raised no objections to the Variance request. Their signatures were obtained.

6.Chester Township Members have been notified and given their approval.

7.Mr. Siemonsma was granted a similar variance request in 2001 and the new building would be in alignment of that previous request.

8.Staff recommendation – Variance – **Minimum Front Yard Setback**

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 Variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The adjoining landowners and township do not object to the Variance request.
- The Variance is the minimum Variance that will make possible the reasonable use of the land

PLATS:

Lots 36R & 377 of Block 8 of Lakes Community Addition: In the SE ¼ Section of 32-106-51 in Wentworth Township. This plat will be vacating the original plat and subdividing to become two new parcels for future single family home use. All taxes and fees have been paid in full and meets all county guidelines and ordinances. Motion by Roger Albertson 2nd by Alan Schaefer to approve the plat and present to the County Commission. M/C all were ayes.

Lot 25 of Christiansen & Martin: In the NW ¼ Section of 26-106-52 in Lakeview Township. This plat is giving the Martin's additional acres to grant them the pond access. All taxes and fees have been paid in full and meets the county guidelines and ordinances.

Motion by Adam Leighton 2nd by Daniel Hanson to approve and present the plat to the County Commission. M/C all were ayes.

Plat 1 of Bialas Addition: In the SE ¼ Section of 16-107-53 in Farmington Township. This plat is to give them the additional acres to be at the 20 acres minimum for the Ag District. All taxes and fees have been paid in full and meets the county guidelines and regulations. Motion by Dan Hanson 2nd by Adam Leighton to approve the plat and present to the County Commission. M/C all were ayes.

Lot 1 of K2 Farms Addition: In the NW ¼ Section of 25-105-52 in Franklin Township. This plat is giving them the additional acres to have all farm operations under the same parcel of property. This plat does fall under the existing farmstead and 5-acre rule set by our ordinance. All taxes and fees have been paid in full and meets the county guidelines and ordinances. Motion by Adam Leighton, 2nd by Roger Albertson to approve the plat and present to the County Commission. M/C all were ayes.