

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:12 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 the meeting.

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

Motion by Alan Schaefer to approve May 13th minutes sent to them by mail. Second by Aaron Johnson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

VARIANCE-20-05

Owner/Applicant: Jacob & Kathryn Studer Contractor- Lydell Larson (Falls City Construction) * Applicants waived their personal appearance.

Property Description: Lots 1-2 Block 7 Wentworth Park Addition & the South 12' of Lot 7 Block 6 Lines Lots Wentworth Park Addition in the SE ¼ of Section 30-106-51, Wentworth Township

Zoning Designation: "LP-1" Lake Park District 1, Lake Madison

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

History/Issue(s):

1. The applicant is requesting to build a new lake home adjacent to Lake Madison. The old structure has been since destroyed due to major damages sustained during the September 2019 Flood event.
2. Lake County Ordinance requires that a single-family structure in the Lake Park District-1 must have a minimum side yard setback of 9'. Any projections including unenclosed porches that project more than 3 ½ feet from the structure and/or having more than 50 sq/ft in area must meet a 9' side yard setback as well. If they cannot meet the setbacks, they shall go through the Variance process.
3. They are requesting an approx. 4' variance from the South side yard property line proposing the new unenclosed porch structure to sit 5'8" off of the side yard property line.
 - a. They meet all other required (front, North side, rear, height) setbacks.
4. We acknowledge that this lot was platted prior to Lake County Zoning regulations and is considered nonconforming due to the square footage only being approximately 3,672 sq. /ft. and the width only being approx. 72' on the road side. It is a lot of record. 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.
5. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.
6. Staff recommendation – Variance – **Minimum Side 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:

- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district. This lot was platted prior to Lake County Zoning regulations and is considered nonconforming due to the square footage and road frontage being less than the required minimum. The hardship is the size of the lot.
- 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. Lot was platted prior to Zoning Ordinances and not subdivided by the owners themselves.
- 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 the adjoining landowners signed off in approval of the project.

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

- None.

Action Item: Variance – Side yard setback

Motion by Dale Thompson 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 Aaron Johnson. M/C All were ayes

VARIANCE-20-06

Owner/Applicant: Jamie & Tina Denne * Applicants waived their personal appearance.

Property Description: Lot 13 Tract A Mader’s 14th Addition in the SE ¼ of Section 4, Herman Township

Zoning Designation: “PD” Planned Development

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

History/Issue(s):

1. The applicants are requesting to build a new unattached garage in the backyard of their property in the Mader’s Planned Development across from Lake Herman.
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. If the applicant cannot meet these setbacks, they shall go through the variance process.
3. They are requesting a 10’ variance from the East side yard property line proposing the new structure to sit 20’ off of the side yard property line.
 - b. They meet all other required (front, west side, rear, 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 utilize 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. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.
6. Staff recommendation – Variance – **Minimum Side 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:

- There are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved, and which are applicable to other land, structures, or buildings in the same district. This Planned Development District should have developed a lesser setback for accessory structures during the approval phase in the high-density small lot residential development.
- 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 PD 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 as all adjoining landowners signed off in approval of the proposed project.
- The granting of the variance is not contrary to the public interest.

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

- None.

Action Item: Variance – Side yard 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 Doug Jerlow. M/C All were ayes

CONDITIONAL USE #20-08

Owner/Applicant: Brock & Kristen DeLay * Applicants waived their personal appearance.

Property Description: Lot 7 Christiansen Sunrise Acres 1st Addition, SE ¼ of Section 26, Lakeview Township

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

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

History/Issue(s):

1. The applicant is requesting to build an attached garage on his new home.
 - a) Proposed overall dimensions will contain approx. 1,968 sq/ft and has a sidewall height of 10’.
 - b) This garage will be used for his own personal use, non-business and will have space for his vehicles, half bathroom, mechanical room, storage and an interior dog kennel 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.
 - b) Shall not be nearer than 9 feet to any side yard when attached to the home.
 - c) At least a rear yard setback of 10’.
 - d) The proposed structure meets the overall height requirement of no taller than 30’.
4. Staff recommendation – Conditional Use – **Oversized Attached 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 attached 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 Attached 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 Craig Johannsen. M/C All were ayes.

CONDITIONAL USE #20-09

Owner/Applicant: Joseph & Michelle Weisensee * Applicants waived their personal appearance.

Property Description: Lots 9 & 10 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 across the road from his property on Brant Lake.
 - c) Proposed overall dimensions of 40'x 42' will contain 1,680 sq/ft and has a sidewall height of 14'.
 - d) This garage will be used for his own personal use, non-business and for storage of him camper.
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.
 - e) 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.
 - f) 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.
 - g) 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 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 Dale Thompson. M/C All were ayes.

VARIANCE-20-07

Owner/Applicant: Brian & Andrea Van Liere Architect – Angela Boersma (ID8Architecture, LLC) * Applicants waived their personal appearance.

Property Description: Lot 2 Block C E. Spawns Subdivision in Government Lot 5, NE ¼ of Section 10, Chester Township

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

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 Brant Lake. The old structure has been since destroyed due to major damages sustained during the September 2019 Flood event.
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. 16 ½' Variance on the lakeside from the average of the developed lots.

- c. They meet all other required (front, sides, OHWM, height) setbacks.
4. We acknowledge that this lot was platted prior to Lake County Zoning regulations and is considered nonconforming due to the square footage only being approximately 6,525 sq. /ft. and the width only being approx. 45' on the road side. It is a lot of record. 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.
 - c. Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
 - d. Minimum lot width requirement for LP-1 district is 75 feet.
5. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.
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 applicable to other land, structures, or buildings in the same district. The adjacent lots built their cabins many years ago and are much smaller in size and set back farther towards the road.
- 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 Craig Johannsen 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 Aaron Johnson. M/C All were ayes

PLATS:

A Plat of Lot 1 JB Nelson's Addition in SE ¼ of Section 34-107-53 in Farmington Township was presented to the Planning Commission. This plat is located in the "A" District. Subdividing the existing farmstead away from the adjacent farmland. 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 Doug Jerlow. M/C All were ayes.

A Plat of Mergen's Conservation Easement Tract 1 in the SW ¼ of Section 16-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "A" District. He is subdividing a tract of land for the conservation wetland reservation easement. Meets Lake County Regulations and the taxes have been paid in full. Remaining un-platted land must meet the Comprehensive Land Use Plan, Zoning Ordinance and Subdivision Ordinance in order for it to be a buildable lot. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Dale Thompson. M/C All were ayes.

A Plat of Tract 3, 4 & 5 of Brown's Addition in the E ½ of the SE ¼ of Section 13-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing the existing farmland into parcels that can be divided for family asset purposes. 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 Doug Jerlow. M/C All were ayes.

PUBLIC COMMENT:

None

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:03 AM.