

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:

Jody Ackerman, Alan Schaefer, Don Bickett, Roger Albertson, Aaron Johnson, Dan Hansen and official Mandi Anderson were all present. Dale Thompson was absent but excused.

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

Motion by Jody Ackerman to approve May 12th minutes sent to them by mail. Second by Aaron Johnson. M/C All were ayes.

Motion by Aaron Johnson to approve June 1st minutes sent to them by mail. Second by Roger Albertson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

VARIANCE 21-07

Owner/Applicant: BD Investments LLC, Twin Lakes Animal Clinic (David Maier & Brooke Braskamp)

Property Description: Lot 1 & West 50' of the North 150' of Lot 2 of Jensen's Bro's Subdivision in the NW ¼ of Section 12-106-53 & the North 50' Lot A of Robert D. Jensen's Subdivision of Lot 11 of Jensen Bro's Subdivision of the NW ¼ of Section 12-106-53, Herman Township

Zoning Designation: "C/I" Commercial/Industrial District (Agricultural Use)

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

History/Issue(s):

1. The applicant is requesting to build an addition onto their existing animal clinic.
2. Lake County Ordinance requires that structures on all corner lots shall observe two front yards and the depth of the front yard on each street which the lot abuts, shall be not less than 75 feet when located in the "C/I" District with an "A" Agricultural Use. And in no case shall an accessory building be located or extended into the front yard. If they cannot meet the setbacks, they shall go through the Variance process.
 - a. They are requesting a 30' variance from the west front yard, placing the addition approximately 45' from the lot line or edge of the ROW of Township Road 453rd Ave.
 - b. Existing structure does currently meet the required setback from the west front yard lot line.
 - c. The structure would meet all other setbacks (north front yard, rear, side, height).
 - d. This proposed addition will not affect the vision clearance and shall not be placed within the 50' required setback of the triangular area formed by the intersecting roads. Article XII Section 1202.
3. From 1979-1998 this property was owned by Interlakes and was known as Interlakes Feed Supply. The property was then purchased by Tom Heirigs and converted into an animal clinic sometime after that. Unable to located a Conditional Use permit related to this use change. However, the use of the property is not prohibited in the district it is located in.
4. A variance was approved and issued in 1996 for a front yard setback from SD Highway 34/81. This addition was to replace, at that time, the old school house being used as office space. The old school house was removed and the addition was constructed 59' from the edge of the Highway ROW.
5. Adjoining neighbors and township road authority have been contacted. They raise no objections to the variance request and their signatures were obtained in approval.

Discussion: Brooke and David both explained the that the new addition will be used for an equine exam area. The proposed area requested is the only location on the property that would not create safety or traffic concerns. Their septic system is located on the southwest side of the existing structure and the south side is where the animal loading and unloading areas are. The East side is also a loading area.

Variance – Front Yard Setback

Motion by Aaron Johnson 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 Alan Schaefer. M/C All were ayes.

The planning commission recommends the following preliminary findings:

- The proposed application is the minimum variance that will make possible the reasonable use of the land, building or structure.
- Granting the variance will not 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 is located at the minimum required AG setback making an addition impossible without a variance on the north and west, existing sewer location, traffic and safety concerns if attempted to add addition onto south side, snow accumulation, drainage of lot.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the “C/I” district, “A” use.
- 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.
- 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.

CONDITIONAL USE #21-08

*signed personal right to appearance.

Owner/Applicant: John Roling

Property Description: East ½ of Lot 2 & All of Lots 3 & 4 of Jorgenson Addition in Government Lot 2 in the NW ¼ of Section 15-106-53, Herman Township

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

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

History/Issue(s):

1. The applicant is requesting to build a new single-family home with an oversized garage on his property.
 - a) Proposed garage/accessory dimensions requested are 52’ x 24’ x 10’ with 1,248 sq/ft.
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 easement.
 - b) Shall not be nearer than 10 feet to any side yard lot line.
 - c) Shall not be nearer than 25’ to the rear yard.
 - d) The proposed structure meets the overall height requirement of no taller than 30’.

Action Item: Conditional Use – Oversized accessory/garage/shop

Motion by Dan Hansen to recommend approval of the conditional use request to the Board of Adjustment and adopt the findings outlines in the staff report. Second by Roger Albertson. M/C All were ayes.

- Oversized garages/accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- There are other 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.

A Plat of Lot 11 in Block 1 Peterson's Second Addition in Outlot 3 of Government Lot 2 in the NE ¼ of Section 23-106-52, Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Subdividing land for potential future single-family residential 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.

PUBLIC COMMENT:

None

Motion by Jody Ackerman to adjure the Planning Commission Meeting. Second by Aaron Johnson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:50 AM.