

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, Doug Jerlow, Aaron Johnson, Gene Anderson and official Mandi Anderson were all present.

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

Motion by Aaron Johnson to approve January 8th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

CONDITIONAL USE #20-02

Owner/Applicant: Rick Odland, Highway 34 Storage, LLC

Property Description: Lots 24 to 26, excluding H-1 Plat, Voiture Subdivision Block 1 of Chautauqua Plat, located in the SW ¼ of Section 15, Lakeview Township

Zoning Designation: "LP 3" –Lake Park-District 3 (Lake Madison)

Request: The applicant would like to build an oversized storage facility with greater dimensions than the Ordinance regulates.

History/Issue(s):

1. Applicant is requesting to build a 40' x 125' x 14' cold storage oversized commercial building alongside of his already existing storage building. Proposed containing 5,000 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use process to build oversized commercial storage facilities with taller than 14' sidewalls and greater than 4,000 sq/ft in the District as long as it is not detrimental to other uses and is in the general character with the "LP 3" District.
3. Ordinance regulates that they must have a front yard of no less than 20' from the road right-of-way or road easement, 10' rear setback and shall not be nearer than 2' to any side lot line. The maximum height of the structure may not exceed 30' tall. The structure meets all setbacks and overall height regulation.
4. Staff recommendation – Conditional Use – **Oversized Commercial Storage Facilities**
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 private and commercial storage facilities are allowable as a conditional use in the "LP 3" 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.
- There are other oversized private and commercial buildings in the area 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;

- 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 – Oversized Commercial Storage Facilities

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 Doug Jerlow. M/C All were ayes

VARIANCE-20-02

Owner/Applicant: Justin & Kristin Olson

Property Description: Lot 2A Callahans 4th Addition in the SE ¼ of Section 4, Lakeview Township

Zoning Designation: “A” – Agricultural

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

History/Issue(s):

1. The applicant is requesting to build an accessory pole building in the rear yard of his property.
2. Lake County Ordinance requires that all buildings/structures shall have a rear yard depth of not less than fifty (50) feet when located in the “A” District.
 - a. He is requesting to build the new accessory building 30’ from the rear property line, asking for a 20’ Variance.
 - b. The proposed structure would meet all other setbacks (front, sides, height).
3. The applicant subdivided this property back in 2018 to build a home and outbuildings. The purpose and intent of the Subdivision Ordinance is to create a lot that is buildable and meets regulations. Lake County Zoning and Subdivision regulations consider this lot to be conforming. Therefore, this is considered to be a self-induced hardship as the applicant and landowner specifically platted the boundaries and were aware of the property conditions at that time. Conditions particular to the property were considered the result of the actions of the applicant.
 - a. Minimum lot size requirement for “A” district is 1 acre when located in the Area of Development Stability.
 - b. Minimum lot width requirement for “A” district is 150’.
4. There are no floodplains, sloughs or wetlands present on the property that restrict the proposed structure from meeting the required setbacks. However, there is runoff and drainage from the adjacent field property that runs across the lot from side yard to side yard. The Applicant stated that the proposed location is the ideal placement of the pole barn due to the drainage through the lot.
5. Adjoining landowners have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval.

Minimum Rear 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 denial of the Variance to the BOA, it could use the following finding:

- The reasons set forth justify the denial of the Variance.
- The denial of the Variance will not restrict the landowner from building the accessory structure.
- The enforcement of the Ordinance may result in unnecessary and undue hardship however the hardship is self-induced.
- 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. Conditions particular to the property were considered the result of the actions of the applicant.
- Granting the variance will not be in harmony with the general purpose and intent of the Ordinance.
- The request may not be the minimum Variance that will make possible the reasonable use of the land, building and structure.
- The granting of the variance request would confer on the applicant special privilege denied to others in the “A” district.

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 granting of the variance may not be contrary to the public interest.

Discussion and questions of the Planning Commission members to the applicant:

Commissioners asked why he cannot meet the setback. Applicant responded with his goals for the runoff from the building to go half to the rear field and half to the drainage area, he would like to stay as far as possible from the low area. He had planned to build this outbuilding, maybe not as big, but now with this last year's rain event they now know where their preferred placement would be.

Action Item: Variance – Rear yard setback

Motion by Gene Anderson 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. Upon roll call vote being taken thereon the following members voted YEA: Gene Anderson. The following members voted NAY: Craig Johannsen, Dale Thompson, Alan Schaefer, Don Bickett, Doug Jerlow, Aaron Johnson. Motion failed.

Discussion took place between Commissioners, Applicant and Official. Deciding the variance didn't have the required reasons set forth to recommend approval the following motion was made.

Motion by Aaron Johnson to recommend denial of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Craig Johannsen. M/C All were Ayes.

VARIANCE-20-03

Owner/Applicant: Michael & Jennifer Reecy

Property Description: Lot 24 Peninsula Park Addition, NE ¼ of Section 36, Lakeview Township

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

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

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'. If they cannot meet the setbacks, they shall go through the Variance process.
3. They are requesting an approx. 4' variance from both side yard property lines proposing the new structure to sit 5' off of each side yard property line.
 - a. They meet all other required (front, 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 8,802 sq. /ft. (including the 30' roadway easement) and the width only being approx. 50' 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 – **Minimum Side 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.

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.
- 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.

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

- None.

Action Item: Variance – Side yard setbacks

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 Tract 2A of B. Price Addition in W ½ of Section 15-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the “A” District. They are resubdividing an existing lot to add land into it. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat to the County Commission. Second by Dale Thompson. 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.