

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:03 AM in the County Commission Board Room.

ROLL CALL:

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

AGENDA/ADDITIONS:

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

MINUTES/CORRECTIONS:

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

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

VARIANCE #21-02

*Applicant signed the waiver of personal appearance

Owner/Applicant: Warren & Trudy Quail along with Corey McLaughlin from Best Gen Homes

Property Description: Lot 39 Hilde's Addition in the SW ¼ of Section 23, Lakeview Township

Zoning Designation: "LP 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 add a deck walkway onto their newly built lake home. The wooden deck walkway will run along the east side connecting to the lakeside deck and steps down to the lower level. The deck will be open and uncovered.
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 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 a 3' variance from the east side yard proposing the new wooden deck walkway to sit 6' off of the side yard property line.
 - a. They meet all other required (front, west 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 width only being approx. 58' on the road side. The square footage is approximately 11,700 sq. /ft. 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 could result in unnecessary and undue hardship.
 - a. Minimum lot width requirement for LP-1 district is 75 feet.
 - b. Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
5. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.

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 outlines in the staff report. Second by Alan Schaefer. M/C All were ayes.

The planning commission recommends the following 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** 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. **Walkway will remain open and unenclosed, structure meets all other**

required setbacks, very narrow lot of record, neighbors have no concerns, other side yard allows for access in case of fire, walkway to attach to the exiting deck and steps to the lower level.

- 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 and a literal enforcement of the ordinance would result in unnecessary and undue hardship. **Lot was platted far before subdivision regulations and lot size requirements.**
- 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.

VARIANCE #21-03

*Applicant signed the waiver of personal appearance

Owner/Applicant: David & Kelly Hasvold along with Kim Hofer, Big D Homes

Property Description: North 39' of Lot 8 Plat of Block 13 Wentworth Park in Government Lot 3 in Section 30 of Wentworth Township

Zoning Designation: "LP 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 2 story home on their lot adjacent to Lake Madison.
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 a 4' variance from the north side yard proposing the new home to sit 5' off of the side yard property line.
 - a. They meet all other required (front, south side, rear, height) setbacks.
 - b. This property is located within the FEMA floodplain. However, the elevation of the property meets the minimum requirements to build without adding fill. A floodplain development permit will be required but no additional LOMR or LOMA will be necessary.
4. The existing neighboring home structure to the south is very close to their shared property line. They are requesting to build 12' from that shared property line.
5. We acknowledge that this lot was platted prior to Lake County Zoning regulations and the footage is considered nonconforming due to the width only being approx. 39' on the road side. The square footage is only approximately 6,415 sq. /ft. 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 could result in unnecessary and undue hardship.
 - a. Minimum lot width requirement for LP-1 district is 75 feet.
 - b. Minimum lot size requirement for LP-1 district is 9,600 sq. /ft.
6. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.

Variance – Side Yard Setback

Motion by Alan Schaefer 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 Roger Albertson. M/C All were ayes.

The planning commission recommends the following 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** 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. **Structure meets all other required setbacks, very narrow lot of record, neighbors have no concerns, other side yard allows for access in case of fire, adjacent neighboring structure to the south is directly located on the shared lot line, new proposed structure will sit farther off the lot line than the existing currently does.**
- 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 and a literal enforcement of the ordinance would result in unnecessary and undue hardship. **Lot was platted far before subdivision regulations and lot size requirements.**

- 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.

PLATS:

A Plat of Lot 1 and 2 of Elverud Addition in the NE ¼ of Section 2-108-81 in Summit Township was presented to the Planning Commission. This plat is located in the “A” District. Subdividing the adjacent farmland from the existing farmstead. 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 C & K Hogs Addition in the SW ¼ of Section 14-108-82 in Nunda Township was presented to the Planning Commission. This plat is located in the “A” District. Subdividing land for future, prior approved, swine CAFO site. 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 Roger Albertson. M/C All were ayes.

A Plat of Lot 1 of Simonsen’s Addition in the N ½ of NW ¼ of Section 36-105-51 in Chester Township was presented to the Planning Commission. This plat is located in the “A” District. Subdividing the adjacent farmland from the existing farmstead. 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 Aaron Johnson. M/C All were ayes.

PLANNING COMMISSION APPLICANTS: Unanimous vote recommended for Daniel Hansen to serve as planning commission member. Will recommend the applicant to county commissioners for their approval at the March 16th hearing.

PUBLIC COMMENT: None.

Motion by Alan Schaefer to adjure the Planning Commission Meeting. Second by Roger Albertson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:22 AM.