

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, Dale Thompson, Alan Schaefer, Don Bickett, Roger Albertson, Aaron Johnson, Dan Hansen and official Mandi Anderson were all present.

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve April 14th minutes sent to them by mail. Second by Aaron Johnson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

VARIANCE 21-05

Owner/Applicant: Corey & Shannon Gerry

Property Description: South 300' East 400' of Tract A Yagers 1st Addition S ½ of Section 4-106-53, Herman Township

Zoning Designation: "A" Agricultural District

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

History/Issue(s):

1. The applicant is requesting to build a garage addition onto his existing single-family home.
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 "A" District. 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 40' variance from the east front yard, placing the structure approximately 35' from the lot line or edge of the ROW of Jackson Road.
 - b. Existing structure does not meet the required setback from the east front yard lot line. Existing sits 53' from the ROW of Jackson Road.
 - c. The structure would meet all other setbacks (south 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. Tract A Yagers 1st addition was platted in July of 2002. (Bk 14 Pg 4) The tract was further subdivided by a footage description of 300'x 400' for banking purposes and this footage description of Tract A is where the home was built. At that time the location of the home was built and met the requirements for front, side and rear yard setbacks.
 - a. Access was granted by way of easement to Tract A, private driveway was created to the east of the tract.
4. In 2007 as additional lots to the north started to be subdivided for the growing development, the existing private driveway access easement changed to a public roadway and was dedicated to the public for roadway purposes. That then is when the roadway was named Jackson Road. (Bk 15 Pg 150). Thus, turning this lot into a corner lot.
 - a. To maintain access to his property the applicant and adjacent landowner platted Lot 1 Yager's 6th Addition in S ½ of Section 4-106-53. (Bk 15 Pg 177) This created a 19' wide access private driveway easement.
5. A "side yard variance" was granted by the BOA to the existing unattached accessory building in April of 2008.
6. Adjoining neighbors have been contacted. They raise no objections to the variance request and their signatures were obtained in approval.

Variance 21-05 – Front 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 Roger Albertson. M/C All were ayes.

- 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. **History of the existing private driveway access easement changing to a public roadway and was dedicated to the public for roadway purposes created this now lot into a corner lot.**
- The granting of the variance request **would not** confer on the applicant special privilege denied to others in the “A” 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.
- 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 #21-06

Owner/Applicant: Justin & Amanda Rey

Property Description: Lot 7 & West ½ of Lot 8 Block 9 & Lot 7 & West ½ of Lot 8 Block 10 of Wentworth Park Addition in the SE ¼ of Section 30-106-51, Wentworth Township

Zoning Designation: “LP 1” – Lake Madison

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

History/Issue(s):

1. The applicant is requesting to replace their existing deck on the rear (lake side) of their home adjacent to Lake Madison. They are also wishing to add a wooden deck to the upper level for second story walkout. Lower deck will not be enclosed only covered by the upper deck. The upper-level deck will be uncovered and unenclosed.
 - a. Existing deck currently is two made up of two smaller decks with a set of steps in the center leading down to the ground level. Wishing to replace with one 8 ½’ x 28’ wooden deck. Upper level will be the same dimensions.
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’. Also, shall have a lake side setback of 25’ from the OHWM when adjacent to lakes. 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 and lake side setback as well. If they cannot meet the setbacks, they shall go through the Variance process.
 - a. They are requesting an approx. 2’ variance on the west side yard and a 7’ variance from the OHWM. Existing structure is already encroaching the side yard and lake side.
 - b. They meet all other required setbacks and are at least 4’ above the OHWM.
 - c. In this case the averaging setback is not required to be met since the existing structure is closer than 25’ to the OHWM.
3. 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 6,600 sq. /ft. and the width only 45’. 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 size requirement for LP-1 district is 9,600 sq. /ft.
 - b. Minimum lot width requirement for LP-1 district is 75 feet.
4. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their signatures were obtained.

Variance – Side Yard and Lake Side 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 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. **Narrow lot of record, replacing the already existing deteriorated deck.**
- The granting of the variance request **would not** confer on the applicant special privilege denied to others in the “A” 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.

- 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 #21-04

*signed personal right to appearance.

Owner/Applicant: Dan & Stacey Dougherty

Property Description: Lot 2 Christiansen Sunrise Acres 2nd 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 attached garage with greater dimensions.

History/Issue(s):

1. The applicant is requesting to build a new single-family home with an oversized attached garage on his property.
 - a) Proposed garage/accessory dimensions requested are 60 x 30' x 12', 1,800 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 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 easement.
 - b) Shall not be nearer than 9 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 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 Jody Ackerman. M/C All were ayes.

- Oversized attached 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.

CONDITIONAL USE #21-07

*signed personal right to appearance.

Owner/Applicant: McCord Stowater

Property Description: Lot 3 Block 3 Woodland's 36th Addition in the SE ¼ of Section 22-106-52, Lakeview Township

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

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

History/Issue(s):

1. The applicant is requesting to build a new single-family home with an oversized attached garage on his property.
 - a) Proposing approximately 1,316 sq/ft using exterior dimensions, 1,251 sq/ft interior dimensions. Sidewall height conforms to the design of the house.
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 easement.
- b) Shall not be nearer than 9 feet to any side yard lot line.
- c) Shall not be nearer than 25' to the rear yard and shall maintain a finished floor level of 4' above the OHWM.
- d) The proposed structure meets the overall height requirement of no taller than 30'.

Action Item: Conditional Use – Oversized attached 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 Roger Albertson. M/C All were ayes.

- Oversized attached 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.

PLAT:

A Plat of Tract 1 O’Hara Addition in Government Lot 4 of Section 1-105-52 of Franklin Township was presented to the Planning Commission. This plat is located in the “A” District. Subdividing a lot for 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 Dale Thompson. M/C All were ayes.

Ordinance Amendment #21-74

Rezoning #21-01

Owner/Applicant: Richard Bothwell along with Mark Peltier

Property Description: Tract 3 of Colton Park Siding South Addition in a part of Lot 4, Block 1 of County Auditor’s Subdivision of Lot 2 and Lot 3, Section 31-106-51, Lake County SD.

Zoning Description: “LP-1” Lake Park District-1

Request: Petition to rezone from Lake Park District -1 to Lake Park District -3 to allow for large oversized private and/or commercial storage buildings.

Action Item: Rezone request & Ordinance Amendment

Motion by Dale Thompson to recommend the Rezoning request and Ordinance Amendment to the County Commissioners and adopt the facts and finding found in the staff report. Second by Aaron Johnson. Roll Call Vote. Dan-aye, Aaron-aye, Roger-aye, Don-aye, Alan-aye, Dale- aye and Jody-aye. Motion approved.

Facts & Finding(s):

1. The applicants have petitioned to rezone the property to allow for multiple oversized storage facilities.
2. Lake County Ordinance requires a landowner to go thru the petition process to rezone and ask the Planning Commission for a recommendation after reviewing the proposal.
3. Both lot size and width meet the Lake County requirements for the LP-3 District.
4. The proposed structures would not meet the permitted size allowance but may request a Conditional Use permit if approved for the Rezone.
5. There are currently three accesses onto this corner lot. They are requesting to keep an access located off of private road Johnson Park Drive & one off the public road (west entrance) on Lake County Highway 238th Street. Applicant will be speaking to the Highway Superintendent about widening the existing west approach and removing the east approach. The east approach

does not meet the required setback distance from the intersection. The entrances will be sufficient to accommodate the traffic coming in and going out of the property.

6. They have notified all adjoining landowners via certified mail of this proposed rezoning of the use of the land and also the hearing dates/time as required in our Lake County Ordinance.
7. A sign for public notice was placed on the property with the hearing dates and times of the rezoning request.

Commissioner Jody Ackerman was excused and exited the meeting at this time, 9:10am.

CONDITIONAL USE #21-05

Owner/Applicant: Lance Nordstrom of Nordstrom Investment Co LLC

Property Description: Lots 47 & 48 of Nordstrom's Addition in the SW ¼ of Section 25-106-52, Lakeview Township

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

Request: The applicant would like to build an unattached accessory building with greater dimensions.

History/Issue(s):

1. The applicant is requesting to build an oversized storage structure for Jacobs Landing Campground occupants.
 - a) Proposed dimensions requested are 44 x 156 x 16 with a total of 6,864 sq/ft.
 - b) Mono slope roof to the south, front sidewall height of 16' and rear sidewall height of 14'. To include 12 storage bays that are 13' wide with a 44' depth.
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.
 - a) An accessory building is a subordinate use which is incidental to that of the main building or to the main use of the premises.
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 easement.
 - b) Shall not be nearer than 2 feet to any side yard lot line.
 - c) Shall not be nearer than 10' to the rear yard.
 - d) The proposed structure meets the overall height requirement of no taller than 30'.
4. Staff recommendation – Conditional Use – **Oversized unattached accessory building**

Action Item: Conditional Use – Oversized unattached accessory building

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 Roger Albertson. M/C All were ayes.

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

CONDITIONAL USE #21-06

Owner/Applicant: Lance Nordstrom of Nordstrom Investment Co LLC along with Dan Stapleton

Property Description: Lots 47 & 48 of Nordstrom's Addition in the SW ¼ of Section 25-106-52, Lakeview Township

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

Request: The applicant would like to expand their current campground to add additional sites.

History/Issue(s):

1. Jacobs Landing Campground currently has 33 full RV hook-ups with rural water, sanitary sewer and electricity. Requesting to add an additional 23 spots to a total of 56 full hook-up sites. There is great demand for additional sites at this current campground.
 - a. Existing campground was approved April of 2017, Conditional Use permit #17-02. No additional conditions were added at that time.
2. Lake County Ordinance requires a landowner to go thru the conditional use process when located in the LP -1 District.
3. Lake Madison Sanitary District and the SD Dept of Health have been contacted. They have no concerns about this expansion request. This campground is in compliance with state and local regulations.

Action Item: Conditional Use – Private Campground Expansion

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

- Private and Commercial Parks and Campgrounds are allowable as a conditional use in the LP 1 – Lake Park District 1 under certain conditions.
- There are other private parks and campgrounds 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.

PLATS:

A Plat of Tract 1 of Brod Addition in Government Lot 2 in the NW ¼ of Section 30-106-52, Lakeview 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 9 in Block 2 Lakes Community Addition in government lots 5 & 6 in the S 1/2 of Section 32-106-51 in Wentworth 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 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 19 in Block 8 Lakes Community Addition in NE ¼ of the SE ¼ of Section 32-106-51 in Wentworth 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 Alan Schaefer to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

PUBLIC COMMENT:

Zoning Official Mandi Anderson - Notice that there will be a joint public hearing of the Lake County Planning Commission and the County Board of Commissioners on June 1, 2021 at 10:30am in the Commission Room. A discussion will take place that pertains to a temporary ordinance (#21-76) regarding the issuance of local medical cannabis establishment permits and/or licenses.

Motion by Alan Schaefer to adjure the Planning Commission Meeting. Second by Aaron Johnson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:37 AM.