

The regular meeting of the Lake County Planning Commission was called order at the hour of 08:01 AM in the County Commission Board Room.

ROLL CALL:

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

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve September 8th minutes sent to them by mail. Second by Alan Schaefer. M/C All were ayes.

PUBLIC COMMENT:

None.

OLD/UNFINISHED BUSINESS:

None.

NEW BUSINESS:

VARIANCE #21-08

Owner/Applicant: Gary & Melissa Fikse

Property Description: Lot 18 Tract 1 Colton Park Siding South Section 31-106-51, Wentworth Township

Parcel Number: 02681-10651-01018

Zoning Designation: "LP 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 an addition onto the rear of their existing garage with living above.
 - a. This property lies behind the private road and the rear of the property abuts a slough/wet land area.
 - b. Existing garage with living above (24'x30'), addition to include garage with living above (24'x20').
 - c. The total attached garage square footage will not exceed 1,200 sq/ft.
2. Lake County Ordinance requires that a single-family structure (living dwelling) 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 3' variance from the SW side yard proposing the new addition to sit 6' off of the side yard property line and requesting a 2' variance from the NE side yard proposing the new addition to sit 7' off of the side yard property line. They meet the required maximum height and the rear yard setback.
4. A "side yard variance" was granted by the BOA to the existing structure in June of 2005.
5. This lot was approved and platted in 2001 but is considered nonconforming due to the width only being 37.5' on the road side and the square footage of only 3,750 sq. /ft. 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.

Discussion: Fire safety and drainage.

Variance – Side Yard Setbacks

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 Dan Hansen. 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. **The lot size and previously approved variance, location of the existing 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 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 #21-09

Owner/Applicant: Nicholas & Ashley Podhradsky Contractor – Craig Williams, Williams Brother Construction

Property Description: Lot 36 Block 1 of Woodland’s 66th Addition in Government Lots 7 & 8 of Section 22 & North ½ of NE ¼ of Section 27 all in Lakeview Township

Zoning Designation: “LP 1” – Lake Madison

Request: The applicant is requesting a Variance from the required rear yard (lake side) averaging setback.

History/Issue(s):

1. The applicant is requesting to build a pool house on the lake side adjacent to Lake Madison. Proposing to build a single level living accessory structure next to their existing pool.
 - a. This lot is not directly located on the lake shore of Lake Madison but rather located in the man-made harbor area.
2. Where adjoining lots are developed with a setback greater than 25’, Lake County Ordinance requires that all structures (except boathouses) 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.
 - a. Rear Yard - On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.
3. They are requesting an approx. 76’ variance on the lakeside from the average of the developed lots. The average of the adjoining lots is 166’. They are requesting to build with a proposed setback of 90’.
 - a. They meet all other required (front, sides, OHWM, height) setbacks.
4. Adjoining neighbors have been contacted and they raise no objections to the proposed project, their approvals were obtained via email.

Discussion: Sanitary District approval and a lift station for the new structure. Homeowners brought up that they want to add value and tax revenue with this project and they would really like to have a place for people to go when wet from the pool and a place to wash pool towels. They said there are many other structures around the lake that have “boat houses” that are not in fact not a boat house at all and are more of an accessory living structure on the lake side.

Commissioners Dale Thompson and Jody Ackerman both voiced their opinions about the amount of footage they would be approving and they thought it wasn’t the intent of the ordinance to grant such large special requests such as this. They think for the most part the averaging on the lake should be upheld and a variance should be within reason and this isn’t a reasonable request. Commissioner Aaron Johnson was in support of their proposal and voiced in favor of more tax revenue this project would bring.

Variance – Rear Lake Side Averaging 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 Dan Hansen. Dan, Aaron, Roger, Don and Alan were ayes. Dale and Jody were nay. Motion approved.

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. **The lot is not directly located on the lake but rather in the marina.**

- 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.
- 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.

Open Meetings Law Training and Discussion: Shelli Gust and Wendy Kloepfner from the State’s Attorney’s Office brought forth general open meetings law and public comment information regarding the planning board.

Planning Commissioner Jody Ackerman excused herself at 9:35am.

Planning Commissioner Dale Thompson excused himself at 9:40am.

PLATS

A Plat of Tract 2 of Goeman Addition in Government Lot 1 in the NE ¼ of Section 23-106-52 in 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 Dan Hansen to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

A Plat of Lot 26 in Block 1 of Peterson’s Second Addition in outlot 3 of Government Lot 2 in the NE ¼ of Section 23-106-52 in 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 Roger Albertson. M/C All were ayes.

A Plat of Block 1 & 2, Rislov & Spencer Addition in Government Lot 5 in the SW ¼ of Section 22-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Resubdividing two lots to add additional land into Block 1. 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 Powell’s Addition in the SE ¼ of the SW ¼ of Section 5-107-51, Rutland 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 Roger Albertson to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

A Plat of Lots 2A & 3A in Block 1 Lakes Community Addition in government lot 3 and in the SW ¼ of Section 32-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the “LP-1” District. Re-subdividing existing lot 2 & 3 to add additional land into Lot 2A 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.

A Plat of Lot 36 in Block 8 Lakes Community Addition in Government Lot 7 in 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 Roger Albertson to recommend the approval of this plat to the County Commission. Second by Dan Hansen. M/C All were ayes.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Alan Schaefer. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 10:05 AM.