

**REGULAR**  
**April 11, 2018**

**PLANNING**  
**08:00 AM**

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

**ROLL CALL:**

Craig Johannsen, Dale Thompson, Joe Aldrich, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and 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 Dale Thompson to approve February 14<sup>th</sup> minutes sent to them by mail. Second by Doug Jerlow. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**Conditional Use #18-01**

**Owner/Applicant:** Brandon & Jamie Hodne (Hodne Homes, LLC)

**Property Description:** Lot 1 Dunham's & Hemmer's 1<sup>st</sup> Addition SW ¼ SW ¼ Section 25-106-52

**Zoning Description:** "LP 3" Lake Park District 3 - Lake Madison

**Request:** Requesting to build a storage building with greater dimensions than 4,000 sq/ft and taller than 14' sidewalls.

**History/Issue(s):**

1. They are requesting to build a 47x120x16 (5,640 sq/ft) storage building on a property they just recently purchased. Storage and display for their adjacent business, Sodak's Marina, LLC.
  - a. The existing storage shed was moved off and to another location.
2. Lake County Ordinance requires a landowner to go thru the conditional use process to build an oversized storage building greater than 4,000 sq/ft and with sidewalls taller than 14'.
3. The proposed structure would meet the front and north side yard setbacks but would need a variance from the south and rear yard setback. Variance to follow #18-02
  - a. The lot size and width meet Lake County requirements.
4. Staff recommendation – Conditional Use – **Oversized Storage Building**  
The Planning Commission has the option to table, 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:

- There are oversized storage buildings in the area that are similar and on similar sized lots, so it would be compatible with other properties in this 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.

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

- The granting of the conditional use would not be in harmony with the purpose and intent of the zoning ordinance

### **Discussion**

Chris Dunham- Karen Dunham's son neighbor/owner to the north. He submitted pictures of the lot and surrounding area to the board. Listed his concerns for this proposed project. They included current and future drainage issues, the size of the building and the location and also covenants restrictions. He is concerned about the water coming off this large of a proposed building and wants to see a drainage plan. He feels that the size and height of the building is too large for the lot size and wasn't the intentions of the developer at the time these lots were developed and covenants were put in place. These are supposed to be used for private storage that left at least 10' in between each building. He stated that he feels like by building this type of storage used for his boats for sale it will change the use of the property and he should be rezoned to its proper usage.

- Zoning Officer explained that these lots are both allowed for private and commercial storage. Brandon wants commercial storage for his adjacent business. Brandon also owns several other oversized buildings in the same area which he sells his boats out of currently.

Chris Dunham is not in favor and insists that this area was never intended for commercial storage. Feels there will be an increased traffic flow and more water draining onto his property. Should have to follow the covenants.

Several commissioners brought up the fact that there are more than handful of buildings out in that development that the covenants have not been enforced on. County does not enforce covenants. Chris responds with saying that the other neighbors all signed off on those variance requests so the county approved it because the neighbors all agreed.

Zoning Officer reminds the board and also applicant and proponent that with a conditional use request for a larger and taller building the decision isn't made by the neighbor wither or not they can or cannot build it. It's the variance request that the neighbor can object to if they are asking for a lesser setback on the shared lot line from which the current Lake County Ordinance requires. In this case Brandon isn't requesting a variance from Dunham's and their lot. He is requesting a variance from Park's Marina and Gary Avise which he obtained approval on.

There was some more talk about the drainage plan. The proposed plan is to run the water through gutters to the East and through a culvert onto Avise's land. May need to increase the size of the culvert at some time.

### **Action Item: Conditional Use – Oversized Storage Building**

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 Dale Thompson. M/C All were ayes.

### **VARIANCE #18-02**

**Owner/Applicant:** Brandon & Jamie Hodne (Hodne Homes, LLC)

**Property Description:** Lot 1 Dunham's & Hemmer's 1<sup>st</sup> Addition SW ¼ SW ¼ Section 25-106-52

**Zoning Description:** "LP 3"- Lake Park District 3 – Lake Madison

**Request:** The applicant is seeking a Variance from the minimum side and rear yard setback.

#### **History/Issue(s):**

1. The applicant is interested in building storage building on property that they recently purchased and is requesting to build closer to the south side and rear yard lot line.
  - a. Their lot is 50' wide with a 167' depth. Proposed building 47' wide with 120' depth.
2. They are asking for a 5 ft. variance from the rear yard setback. Also, they are asking for a 1' variance from the southern side yard lot line. Lake County Ordinance requires buildings to be 2' from side yards and 10 ft. from the rear yard lot line. They meet the northern side yard and front yard required setback.
3. They will stay in line with the existing neighboring buildings in the front yard.
4. Lake County Ordinance requires that a land owner go through the variance process if they cannot meet the setback.
5. Adjoining neighbors to the East and West and the township have been contacted. They raise no objections to the Variance request. Their signatures were obtained in approval.
  - a. The adjoining neighbor to the north has been contacted and also notified via certified mail. Karen Dunham does object to the building's size, lack of open space and rain water runoff. (Please see attached letter for her response.) Initially the size of the building was proposed as 48' width, Hodne's changed their plans to 47' width to accommodate Mrs. Dunham's adjoining lot lines. They are not asking for a variance from their adjoining lots, staying the required 2'.
6. Staff recommendation – Variance – **Minimum Side and Rear Yard Setback**  
The Planning Commission has the option to table, 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:

- The variance would not be injurious to the neighborhood or detrimental to the public welfare.
- The two adjoining landowners and township do not object to the variance request.
- The variance is the minimum variance that will make possible the reasonable use of the land.
- Granting the variance would not substantially impair the intent and purpose of the zoning ordinance

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

- There are no 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.
- The granting of this variance request would confer on the applicant special privilege denied to others in the LP-3 district.

#### **Action Item: Variance – Minimum Side and Rear Yard Setback**

Motion by Doug Jerlow to recommend approval of the applicant's variance permit to the Board of Adjustment and adopt the findings outlined in the staff report. Second my Craig Johannsen. M/C All were ayes.

### **VARIANCE-18-03**

**Owner/Applicant:** Jim & Pam Pfeifer

**Property Description:** 1968 Pierce Mobile Home, 3511 Basler Drive, Chester Township

**Zoning Designation:** "LP 2" – Brant Lake

**Request:** The applicant is requesting a Variance from the maximum age mobile home requirement

#### **History/Issue(s):**

1. The applicant is requesting to move a 1996 (28x46) refurbished double wide Type A Mobile Trailer Home onto leased land on Basler's Trailer Court.
  - a. This mobile home is considered a Type A Manufactured Home because of its square footage being over 1,200 sq/ft.
2. Lake County Ordinance requires that a Type A Manufactured Home shall not exceed fifteen (15) years from the date of manufacture; therefore, is required to go through the variance process if they cannot meet the age requirement.
  - a. The variance requested would exceed the age allowed by 7 years.
  - b. They meet the current Lake County regulations for setback requirements for single family homes.
3. They have provided photographs of the interior and exterior.
  - a. Western Housing in Sioux Falls is where this mobile home is at currently and their plan is to have all the renovating completed before it is moved to the leased land.
  - b. New siding and roofing materials, completely remodeling the interior as well with new flooring, paint, window coverings, kitchen and bathroom updates and new appliances.
  - c. The plumbing and electrical are all up to code and they will be installing all new lighting in the interior.
  - d. The home will have a permanent perimeter skirting enclosure and will be anchored to the ground.
4. Adjoining neighbors, landowner and the Brant Lake Sanitary District have been contacted. They have raised no objections to the Variance request. Their signatures were obtained.
5. Staff recommendation – Variance – **Maximum Age Requirement**  
The Planning Commission has the option to table, 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:

- Type A manufactured homes may receive a variance from the maximum age requirement if they meet the requirements
- Single family Manufactured homes are compatible with adjacent properties and other properties in LP-2; the variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining neighbors, landowner and sanitary district do not object to the Variance request.
- The Variance is the minimum Variance that will make possible the reasonable use of the land.
- The reasons set forth justify the granting of the Variance.
- They will also be required to follow Lake County Ordinance Section 1207 Manufactured Home and Modular Home Regulations
- 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.

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

- The granting of the variance request would confer on the applicant special privilege denied to others in the LP-2 district.

#### **Discussion:**

Doug questioned how we know that what they say and where they say they are putting it will be done for a mobile home. How do we know that these renovations are going to be done? Zoning Office responded with "our current ordinance mandates these renovations be done BEFORE they ever move the mobile home into Lake County or off of another lot and onto another. There is a specific list of requirements and expectations that the applicant must meet to be approved. Also, when the equalization office goes out to inspect they typically tell me that something is off or not right and that way I can go and inspect myself.

Dale asked "when do we start saying no", "how old is too old"? Zoning Officers response was that they can always ask for a variance but the applicant better meet all of the ordinances requirements and just to remember every case is unique and never the same. So we take these types of variances case by case. It's something we can discuss when we go over our current ordinance and proposed amended ordinance in the future."

**Action Item: Variance – Maximum Age Requirement**

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 Gene Anderson. M/C All were ayes.

**VARIANCE-18-04**

**Owner/Applicant:** Murray & Karla Driggs

**Property Description:** 1964 Van Dyke Mobile Home, 6493 Hares Drive, Lakeview Township

**Zoning Designation:** “LP 2” – Lake Madison

**Request:** The applicant is requesting a Variance from the maximum age mobile home requirement

**History/Issue(s):**

1. The applicant is requesting to move a 1994 (28X48) refurbished double wide Type A Mobile Trailer Home onto leased land on Hare’s Drive.
  - a. This mobile home is considered a Type A Manufactured Home because of its square footage being over 1,200 sq/ft.
2. Lake County Ordinance requires that a Type A Manufactured Home shall not exceed fifteen (15) years from the date of manufacture; therefore, is required to go through the variance process if they cannot meet the age requirement.
  - a. The variance requested would exceed the age allowed by 9 years.
3. They have provided photographs of the interior and exterior.
  - a. Western Housing in Sioux Falls is where this mobile home is at currently and their plan is to have all the renovating completed before it is moved to the leased land.
  - b. New siding and roofing materials, new windows and trim, new furnace and hot water heater.
  - c. New flooring has been installed and they are planning a kitchen and bathroom remodel in the future.
  - d. The plumbing and electrical are all up to code.
  - e. The home will have a permanent perimeter skirting enclosure and will be anchored to the ground.
4. Adjoining neighbors, landowner and the Lake Madison Sanitary District have been contacted. They have raised no objections to the Variance request.
5. Staff recommendation – Variance – **Maximum Age Requirement**  
The Planning Commission has the option to table, 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:

- Type A manufactured homes may receive a variance from the maximum age requirement if they meet the requirements
- Single family Manufactured homes are compatible with adjacent properties and other properties in LP-2; the variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining neighbors, landowner and sanitary district do not object to the Variance request.
- The Variance is the minimum Variance that will make possible the reasonable use of the land.
- The reasons set forth justify the granting of the Variance.
- They will also be required to follow Lake County Ordinance Section 1207 Manufactured Home and Modular Home Regulations
- 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.

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

- The granting of the variance request would confer on the applicant special privilege denied to others in the LP-2 district.

**Action Item: Variance – Maximum Age Requirement**

Motion by Craig Johannsen 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 Aaron Johnson. M/C All were ayes.

**Conditional Use #18-02**

**Owner/Applicant:** Spencer Mann & Greg VanZanten

**Property Description:** SW ¼ Section 33-105-51, Chester Township

**Zoning Description:** "A" Agricultural

**Request:** Requesting to start a "Class C" CAFO

**History/Issue(s):**

1. They are requesting to build a Class C concentrated animal feeding operation consisting of 999 animal units, 2,400 head of finishing swine.
  - a. A 193'x102' tunnel/power vent deep pit finishing barn with an attached 16'x16' office space located 150' off the township road r-o-w.
2. Lake County Ordinance requires a landowner to go thru the conditional use process in the agricultural district.
3. Their proposed CAFO is in conformance with Lake County Zoning Ordinance for a Class C.
  - a. The proposed structure would meet all required setback and separation distance;
  - b. A nutrient management plan has been developed and they will maintain and follow it to the SD Dept. of Environment and natural resources' standards as well as Centrol;
  - c. They will follow their manure management plan and the county manure application setbacks will be followed to minimize air and water quality impacts;
  - d. Soil reports have been provided and this is not located in a shallow aquifer, designated wellhead protection area or the 100-year floodplain.
  - e. Using a private well for their water supply and Kingbrook Rural water for their backup.
4. This operation is located off of the Chester township road and they have been contacted. Also, Kingbrook Rural water has been contacted. They have raised no objections to the conditional use request.
5. Staff recommendation – Conditional Use – **CAFO Class C**  
The Planning Commission has the option to table, 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:

- CAFO's are allowable as a CU in the Agricultural District under certain conditions and this request would not be injurious to the neighborhood or detrimental to the public welfare.
- There are other existing CAFO operations in the area so it would be compatible with adjacent properties.
- They have provided all the required information for a Class C CAFO permit.
- Kingbrook rural water and township do not object to the Conditional Use request.
- Meets all the Lake County setback requirements
- 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

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

- None.

**Discussion:**

Aaron asked the applicants about electricity and gas. Response was there was electricity on the other side of the road and they were using propane gas.

Aaron asked the applicants if they had notified the neighbors or if the Zoning office had put a notice in the adjoining county's newspaper. Response was that no they did not go around and notify neighbors because they weren't in the setbacks. The neighbors all know of their current operations in the area and they spread their manure on those same 1/4 's as their homes are on. Zoning office response was that no I did not advertise a notice in Minnehaha's local paper because the county isn't required it BUT that I did have them place the 18x24" sign out on the property 3plus week ahead of this meeting notifying the public of a CAFO Conditional Use request with the county and the time, dates and location of the public hearings. Applicant spoke about a possible tree shelter belt on the west side of his property to help with an odor blowing to the west to the "unknown owner's" (Victor Grib) property to the west if he should have any concerns.

Applicant spoke about using good neighbor practices. Not spreading the manure when it's a holiday or birthday or neighboring celebration going on. Or when it's hot and muggy with no wind. They work the Centrol whom tests all their soil and manure as part of their comprehensive plan. They spread manure and then come back and till it under with in 12-24 hours. They feel it is a better practice and creates less odor over the next following days.

**Action Item: Conditional Use – CAFO Class C**

Motion by Dale Thompson to recommend approval of the applicant's conditional use to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Doug Jerlow. M/C All were ayes.

**Conditional Use #18-03**

**Owner/Applicant:** Adam VanZanten, Wyatt Fischer & Greg VanZanten

**Property Description:** SW ¼ Section 31-105-51, Chester Township

**Zoning Description:** "A" Agricultural

**Request:** Requesting to start a "Class C" CAFO

**History/Issue(s):**

1. They are requesting to build a Class C concentrated animal feeding operation consisting of 999 animal units, 2,400 head of finishing swine.
  - b. A 165'x122' tunnel/power vent deep pit finishing barn with an attached 16'x18' office space located 150' off the township road r-o-w.
2. Lake County Ordinance requires a landowner to go thru the conditional use process in the agricultural district.
3. Their proposed CAFO is in conformance with Lake County Zoning Ordinance for a Class C.
  - a. The proposed structure would meet all required setback and separation distance;
  - b. A nutrient management plan has been developed and they will maintain and follow it to the SD Dept. of Environment and natural resources' standards as well as Centrol;
  - c. They will follow their manure management plan and the county manure application setbacks will be followed to minimize air and water quality impacts;

- d. Soil reports have been provided and this is not located in a shallow aquifer, designated wellhead protection area or the 100-year floodplain.
  - e. Using a private well for their water supply and Kingbrook Rural water for their backup.
4. This operation is located off of the Chester township road and they have been contacted. Also, Kingbrook Rural water has been contacted. They have raised no objections to the conditional use request.
5. Staff recommendation – Conditional Use – **CAFO Class C**  
The Planning Commission has the option to table, 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:

- CAFO's are allowable as a CU in the Agricultural District under certain conditions and this request would not be injurious to the neighborhood or detrimental to the public welfare.
- There are other existing CAFO operations in the area so it would be compatible with adjacent properties.
- They have provided all the required information for a Class C CAFO permit.
- Kingbrook rural water and township do not object to the Conditional Use request.
- Meets all the Lake County setback requirements
- 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

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

- None.

**Action Item: Conditional Use – CAFO Class C**

Motion by Craig Johannsen to recommend approval of the applicant's conditional use to the Board of Adjustment and adopt the findings outlined in the staff report. Second by Joe Aldrich. M/C All were ayes.

**A Plat of Lot 1 of Spilde's Addition** in SW ¼ SW ¼ of Section 16-108-53 in Badus Township was presented to the Planning Commission. This plat is located in the "A" District. They are subdividing a lot for 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 Gene Anderson. M/C All were ayes.

**A Plat of Lot 1 of Hoekman's Addition** in the NW ¼ of Section 1-107-52 in LeRoy Township was presented to the Planning Commission. This plat is located in the "A" District. They are dividing the existing farmstead away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Gene



Anderson to recommend the approval of this plat to the County Commission. Second by Doug Jerlow. M/C All were ayes.

**A Plat of Lot 5 of Stoney Point Addition** in government lot 4 & the NW ¼ NW ¼ of Section 24-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. They are subdividing a lot for residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Doug Jerlow to recommend the approval of this plat to the County Commission. Second by Gene Anderson. M/C All were ayes.

Motion by Doug Jerlow to adjure the Planning Commission Meeting. Second by Aaron Johnson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:42 AM.