

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:00 AM in the County Commission Board Room.

**ROLL CALL:**

Craig Johannsen, Don Bickett, Doug Jerlow, Aaron Johnson, and Official Mandi Anderson were all present. Dale Thompson, Alan Schaefer and Gene Anderson were all excused.

**AGENDA/ADDITIONS:**

None.

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

**MINUTES/CORRECTIONS:**

Motion by Aaron Johnson to approve July 11<sup>th</sup> minutes sent to them by mail. Second by Craig Johannsen. M/C All were ayes.

**OLD/UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

\*A Quorum is present.

**CONDITIONAL USE #18-08**

**Owner/Applicant:** Mary Hendriks

**Property Description:** Lot 3 North Creek Went Park 1<sup>st</sup> Add, Section 30-106-51, Wentworth Township

**Zoning Designation:** "LP 1" –Lake Park-District 1

**Request:** The applicant would like build larger dimensions that her previously requested CU permit was approved for.

**History/Issue(s):**

1. She is requesting to build a 48' x 64' x 18' garage on her property.
  - a. CU permit #18-05 was approved June 2018 for a 42' wide garage.
  - b. Structure to include cold storage for her own personal use. This is a non-living dwelling. She owns a property across from this lot and needs the extra storage.
  - c. Proposed structure to contain 3,072 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 greater dimensions than 1,200 sq/ft in the "LP 1" District.
3. She meets all setbacks on this lot.
  - a. Ordinance regulates that they must have a front yard of no less than 10 feet from the road right-of-way and shall not be nearer than 2 feet to any side or rear lot line. This is a unique situation as she owns the lot that the private road runs through in between the lake side and rear lot. There is no designated road or easement. Therefore I am only requiring her to meet a 10' setback from the edge of the road to allow for safety and off-street parking.
  - b. Structure also cannot be taller than 30' to the peak. Meets this Ordinance requirement as well.
4. Staff recommendation – Conditional Use – **Oversized Shed/Garage/Accessory 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:

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

**Action Item: Conditional Use – Oversized Shed/Garage/Accessory Building**

Motion by Craig Johannsen to recommends 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-18-08**

**Owner/Applicant:** Randy & Sheri Fischer

**Property Description:** 1965 Hilton Mobile Home, 6509 Hares Drive, Wentworth Township

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

**Request:** The applicant is requesting a Variance from the minimum side yard setback

**History/Issue(s):**

1. The applicant is requesting to build living quarters in an existing 2-story garage located on the road front of the property.
  - a. They have just recently purchased a cabin and accessory buildings on Hare’s leased land.
  - b. This garage was originally built back in 2016-2017 but the loft portion has remained unfinished.
  - c. There is a 3-stall garage on the main ground level that will remain that use but the upper level would like to be finished into useable living space.
  - d. Finished upper space to include 2 beds, bath, living room and kitchen.
  - e. 30’ x 36’ x 20’-sidewalls
2. Lake County Ordinance requires that all single-family structures in the Lake Park District-2 must have a minimum side yard setback of 9’.
  - a. They are requesting a 5’ variance, asking for the existing structure to remain 4’ from the designated side yard lot line. (Designated by Bob Hare, owner of the property)
  - b. They meet all other setbacks (front, other side yard, rear, height) and requirements for a single-family structure.
3. Adjoining neighbors, Bob Hare - landowner, Big Sioux Rural water and the Lake Madison Sanitary District have been contacted. They have raised no objections to the Variance request and their signatures were obtained in approval.
4. Staff recommendation – Variance – **side 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 adjoining neighbors, landowner, rural water 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.
- 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.

**\*Conditions if this variance is denied – Owner must go through a Conditional Use process to bring this existing structure into compliance with our current Lake County Ordinance for sidewall height on an accessory building.**

**Action Item: Variance – Side 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 by Aaron Johnson. M/C All were ayes.

**A Plat of Lot 1 of Dean Reinicke's Addition** in the W ½ of NW ¼ of Section 16-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. They are re-subdividing Lot 1 of Madison Golf Course Subdivision for gravel business development. 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 Doug Jerlow. 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 meeting at the hour of 8:18 AM.