

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:

Craig Johannsen, Joe Aldrich, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Mandi Anderson were all attending. Dale Thompson was absent.

AGENDA/ADDITIONS:

None.

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

REORGANIZATION:

Official Mandi Anderson asked for nominations for Chairman.

Craig Johannsen nominated Don Bickett. Mandi Anderson called for any additional nominations. There being no further nominations, motion by Craig Johannsen, second by Gene Anderson, for nominations to cease and a unanimous ballot be cast for Don Bickett as 2017 Chairman of the Lake County Board of Planning Commissioners. Motion carried.

Official Mandi Anderson asked for nominations for Vice Chairman.

Doug Jewlow nominated Gene Anderson. Mandi Anderson called for any additional nominations. There being no further nominations, motion by Doug Jerlow, second by Craig Johannsen, for nominations to cease and a unanimous ballot be cast for Gene Anderson as 2017 Vice Chairman of the Lake County Board of Planning Commissioners. Motion carried.

2017 Meeting dates and times set for the second Wednesday of each month at 8am with the exception that there is not an Agenda to meet for.

At the January 3rd Lake County Commissioner's meeting Don Bickett and Craig Johannsen were reappointed to serve another 3-year term.

Welcome Aaron Johnson to our Planning board. He replaces Dan Bohl as the County Commissioner serving on our Planning Commissioner Board.

Mandi Anderson turned the meeting over to Chairman Don Bickett.

MINUTES/CORRECTIONS:

Motion by Craig Johannsen to approve December 14th minutes sent to them by mail. Second by Aaron Johnson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

A Plat of Lot 1 of Skyberg's Addition in the SE ¼ of section 15-108-51 in Summit Township was presented to the Planning Commission. This plat is located in the "AG" District. They are dividing the existing farmstead from adjacent farmland into a single separate parcel of land. 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 Craig Johannsen. M/C All were ayes.

A Plat of Lot 1 of Brinkman's Addition in the NE ¼ of section 17-107-54 in Concord Township was presented to the Planning Commission. This plat is located in the "AG" District. They are dividing the existing farmstead from adjacent farmland into a single separate parcel of land. 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.

A Plat of Tract 1 of Lindholm's 3rd Addition in the SE ¼ of section 24-107-52 in LeRoy Township was presented to the Planning Commission. This plat is located in the "AG" District. They are dividing the existing farmstead from adjacent farmland into a single separate parcel of land. Meets Lake County Regulations and the taxes have been paid in full. Motion by Joe Aldrich to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

Motion by Craig Johannsen to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:16 AM.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:05 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Dale Thompson, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Mandi Anderson were all present. Joe Aldrich was absent.

AGENDA/ADDITIONS:

Add Discussion of the Phase 2 – CSAP (County Site Analysis Program).

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

MINUTES/CORRECTIONS:

Motion by Gene Anderson to approve February 8th minutes sent to them by mail. Second by Craig Johannsen. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

A Plat of Tract 1 of Acheson's Addition in the SW ¼ of Section 13-105-52 in Franklin Township was presented to the Planning Commission. This plat is located in the "AG" District. They are dividing the existing farmstead from adjacent farmland into a single separate parcel of land. 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.

A Plat of Tract 1 of Franklin Cemetery Addition in the SW ¼ of Section 13-105-52 in Franklin Township was presented to the Planning Commission. This plat is located in the "AG" District. They are replatting Franklin Cemetery and adding additional land into the existing Cemetery. 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 Aaron Johnson. M/C All were ayes.

VARIANCE #17-01

Owner/Applicant: Neil & Vonnie Larsen

Property Description: MOBILE HOME IN HARES BEACH LOT 110 – 6521 HARES DRIVE, WENTWORTH

Zoning Description: "LP 2"- Lake Park District 2

Request: The applicants are seeking a variance from the minimum side yard setback.

History/Issue(s):

1. The applicants are interested in replacing their older trailer home with a new trailer home on their lake front property and are requesting to build closer to the side yard lot line.
 - a. The existing mobile home is a 1996 single wide (16'x80') and they are purchasing a new 2017 double wide (30'x66') mobile home from Western Housing in Sioux Falls. Western Housing will remove and discard their 1996 trailer.
 - b. Their lot is within the Hares Mobile home park development. Bob Hare, the owner of the property, has created designated lot sizes for each single-family unit. This particular lot is 50 feet wide and 158 feet deep.
2. They are asking for a 4-ft. variance from the West side yard setback. Lake County Ordinance requires a single-family dwelling to be 9 ft. from the side yard lot lines. They would meet the front, averaging and rear yard setbacks.
3. Lake County Ordinance requires that a land owner go through the variance process if they cannot meet the setback.
4. Adjoining neighbors, Bob Hare (the land owner) and the township have been contacted. They raise no objections to the Variance request. Their signatures were obtained in approval. Lake Madison Sanitary was also contacted and they raise no objections to their request.
5. Staff recommendation – Variance – **Minimum 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 landowners, landowner, Sanitary District 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.
- The reasons set forth justify the granting of the variance.
- 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 Yard Setback

Motion by Aaron Johnson to recommend approval to the County Commission BOA of the applicant's variance request and adopt the appropriate findings as outlined in the staff report. Second by Craig Johannsen. M/C All were ayes.

Aaron Johnson spoke about Phase 2 of the CSAP with the SD Dept. of AG. Stating "The State of SD is now entering into their second phase of their County Site Analysis Program funded by grants. They are looking at 6 counties and Lake County is one of them. They are seeking out a site for potential development opportunities within our county. They are now in the process of pursuing a landowner with a potentially suitable site. These sites are grouped into good-better-best 40 acre minimum scenarios. The site they would be most interested in would contain certain qualities, such as; On an oil county road, three phase power, natural gas, and a rural water source."

He explained in general what the Resolution signed March 7th 2017 all entailed. That the resolution is allowing them to preserve a site by going through our Lake County Zoning Ordinance policy of a Conditional Use process once this site is chosen.

There was quite a bit of group discussion on this topic and the Planning Commission felt very left out of these discussions and decisions being made without their knowledge. The Planning members strongly feel that at our next meeting date in April, they add to the Agenda, time to have the same presentation of this Phase 2 CSAP that the Lake County Commissioners received. Aaron and I agreed that would be a good idea if they had further questions they want answered that we would work on getting Paul Kostboth here.

Motion by Doug Jerlow to adjure the Planning Commission Meeting. Second by Craig Johannsen. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:52 AM.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:02 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 Gene Anderson to approve the agenda. Second by Craig Johannsen. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve March 8th minutes sent to them by mail. Second by Aaron Johnson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

A Plat of Tract 1 of Williams' Addition in the SE ¼ of the SE ¼ of Section 6-105-52 in Franklin Township was presented to the Planning Commission. This plat is located in the "AG" District. They are dividing land that includes a developed shelterbelt for a future proposed single family home. 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.

A Plat of Lot 1 of Overskei's Addition in the SW ½ of SW ¼ of Section 16-108-51 in Summit Township was presented to the Planning Commission. This plat is located in the "AG" 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 Aaron Johnson. M/C All were ayes.

A Plat of Lots 1-25 of Nordstrom's Addition in Government Lot 3 and the SW ¼ of the SW ¼ of Section 25 and in Government Lot 1 and the NW ¼ of the NW ¼ of Section 36-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. He is subdividing the land into lots for development opportunity to include LP-1 residential and a lot for Commercial/Industrial development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Dale Thompson to recommend approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

CONDITIONAL USE #17-01

Owner/Applicant: Chuck Wiseman

Property Description: LOT 14 EVERGREEN ACRES 13TH ADD #2215, Lakeview Township, 6502 Evergreen Acres Drive

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

Request: The applicant would like to build an unattached accessory building with greater dimensions than 1,200 sq/ft.

History/Issue(s):

1. He is requesting to build an unattached 1,368 sq/ft accessory building on his lake front property.
 - b. This new building will replace the current garage and small shed on his property.
 - c. Building to include storage for his boat on the north side and a two-stall garage to the south. It also includes a half bath accessible from the outside with a small outdoor cooking area for summer get togethers.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build an accessory building greater than 1,200 sq/ft in the "LP 1" District.
3. He is adjacent to a private road. 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 lot line.
 - a. He is seeking a variance from the minimum 10 feet front yard setback in next staff report. #17-02VAR

4. Staff recommendation – Conditional Use – **Oversized Unattached 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 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 Unattached Accessory Building

Motion by Doug Jerlow to recommend approval to the County Commission BOA of the applicant's Conditional use request and adopt the appropriate findings as outlined in the staff report. Second by Gene Anderson. M/C All were ayes.

VARIANCE #17-02

Owner/Applicant: Chuck Wiseman

Property Description: LOT 14 EVERGREEN ACRES 13TH ADD #2215, Lakeview Township, 6502 Evergreen Acres Drive

Zoning Description: "LP 1"- Lake Park District 1

Request: The applicant is seeking a variance from the minimum front yard setback.

History/Issue(s):

- 1 The applicant is interested in building a new unattached accessory building on his lake front property and is requesting to build closer to the front yard/road front lot line.
- 2 He is asking for a 3-ft. variance from the required front yard setback. Lake County Ordinance requires all buildings that are entered into from a private road shall not be located closer than 10 ft. to the private road line.
 - a. His proposed building would be in line with an unattached accessory building to the North on Bob Ellsworth's property.
 - b. He would meet the sides and rear yard setbacks.
- 3 Lake County Ordinance requires that a land owner go through the variance process if they cannot meet the setback.
- 4 Adjoining neighbors, Evergreen/Killarney Association and the township have been contacted. They raise no objections to the Variance request. Their signatures were obtained in approval. Lake Madison Sanitary was also contacted and they raise no objections to their request.
 - a. Applicant meet with the Lake Madison Sanitary District April 11th and has their approval.

5 Staff recommendation – Variance – **Minimum Front 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 landowners, association, sanitary district 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.
- The reasons set forth justify the granting of the variance.
- 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-1 district.

Action Item: Variance – Minimum Front Yard Setback

Motion by Doug Jerlow to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the appropriate findings as outlined in the staff report. Second by Craig Johannsen. M/C All were ayes.

Conditional Use #17-02

Owner/Applicant: Lance Nordstrom

Property Description: G Hemmer 4th Addition SW ¼ Section 25-106-52

Zoning Description: "LP 1" Lake Parks District -1

Request: Requesting a private park and campground

History/Issue(s):

1. He is requesting to open a private park and campground on his property adjacent to other properties on Lake Madison.
 - d. His proposed park and campground would allow approximately 33 full camper hook-ups (water/sewer/electric) with a common area for a playground and a bath house.
 - e. This is a desirable location due to the heavy density of trees on this lot which will allow for a quiet and relaxing camping atmosphere.
2. Lake County Ordinance requires a landowner to go thru the conditional use process in the LP -1 District.
3. All parking pads will allow for each camper to maintain a distance of approximately 10 feet + from each side yard and rear and at least 30 feet from the front yard/road front road r-o-w.
4. Big Sioux rural water, Sioux Valley Electric and the township has been contacted. They have raised no objections to the conditional use request. Lance also attended the Lake Madison Sanitary District meeting on April 11th and has the board's approval.
5. Staff recommendation – Conditional Use – **Private Park and Campground**

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:

- The conditional use would not be injurious to the neighborhood or detrimental to the public welfare.
- The Big Sioux, Sioux Valley, Sanitary District and township do not object to the conditional use request.
- Private parks and campgrounds 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 – Private Park and Campground

Motion by Joe Aldrich to recommend approval to the County Commission BOA of the applicant's Conditional use request and adopt the appropriate findings as outlined in the staff report. Second by Aaron Johnson. M/C All were ayes.

Petition for Rezoning

Owner/Applicant: Lance Nordstrom

Property Legal Description: (A portion of this land, Lot 25 of the NEW PLAT) NW1/4NW1/4 LYING NE RR ROW INCL. GOVT LOT 1 LYING W. OF LOTS 27 & 28 EVERGREEN ACRES & N. OF TRACT A & EXC. AVISES ADD & EXC HEMMER ADDITIONS AND OTHER DEEDED AND PLATTED PORTIONS #1975

Request: Requesting a change in Zoning from the Lake County Zoning Ordinance from "LP 1" Lake Parks District -1 to "CI" Commercial/Industrial District to allow for a contractor's shop

Action Item: Petition to Rezone – Commercial Industrial District

Motion by Dale Thompson to recommend approval to the County Board of Commissioners. Second by Craig Johannsen. M/C All were ayes.

Conditional Use #17-04

Owner/Applicant: Gracevale Hutterian Bretherian –Paul Hofer Jr. along with Contractor Troy Grocott

Property Description: SE ¼ Section 7-105-53

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, 2,499 head of finishing swine.
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.
 - f. The proposed structure would meet all required setback and separation distance;
 - g. A nutrient management plan has been developed and they will maintain and follow it to the SD Dept. of Environment and natural resources' standards;
 - h. They will follow their manure management plan and the county manure application setbacks will be followed to minimize air and water quality impacts;
 - i. Soil reports have been provided and this is not located in a shallow aquifer, designated wellhead protection area or the 100-year floodplain.
4. The adjoining landowner, Kingbrook rural water and the township has been contacted. They have raised no objections to the conditional use request and their signatures have been received.
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:

- The Conditional Use would not be injurious to the neighborhood or detrimental to the public welfare.
- The adjoining landowner, 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.

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 – CAFO Class C

Motion by Craig Johannsen to recommend approval to the County Commission BOA of the applicant's Conditional use request and adopt the appropriate findings as outlined in the staff report. Second by Dale Thompson. M/C All were ayes.

Conditional Use #17-05

Owner/Applicant: Martin McLane

Property Description: S1033' W992' EXC N191' W488' AND EXC E150' W430' S382' thereof all in gvt lot 7 sec 6-105-52

Zoning Description: "A" Agricultural District

Request: Requesting an extended home occupation.

History/Issue(s):

1. He and his wife are interested in opening a small business called "Marbels Petting Farm" at their home in the county. They would host such events as birthday parties, special occasions and field trips etc.
2. Lake County Ordinance requires a landowner to go thru the conditional use process for an extended home occupation in the "A".
3. The Proposed business will consist of family members only and will be conducted in an accessory building located on the property with a fenced in area for the animal to be housed. There will be no change to the outside appearance of the structure or premises other than adding some fencing and enclosures.
 - i. Animals to include a pony, pig, lama, chickens, ducks etc.
4. They may in the future add a small, non-illuminated on-premise sign that would not exceed (16) sq/ft in area.
5. Off street parking will be provided and will not be located in the required front yard.
6. No traffic shall be generated than what would normally be expected in a residential neighborhood. Their property is located off of County Hwy 35 and the Hwy Dept. has been contacted. They raise no objections to the conditional use request and their signature was obtained.
7. Staff would recommend that if the conditional use be granted that this proposed extended home occupation may not be changed to another extended home occupation except by the issuance of a separate conditional use permit.
8. Staff recommendation – Conditional Use – **Extended Home Occupation**

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:

- The conditional use would not be injurious to the neighborhood or detrimental to the public welfare
- The County Hwy Dept. does not object to the conditional use request
- 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 – Extended Home Occupation

Motion by Aaron Johnson to recommend approval to the County Commission BOA of the applicant's Conditional use request and adopt the appropriate findings as outlined in the staff report. Second by Gene Anderson. M/C All were ayes.

Paul Kostboth from the SD Department of AG gave a presentation about the County Site Analysis Program Phase 2. Explained the process and steps taken to preserve sites for future Conditional Use development on them. Main focus pointed out many times is working with the neighbors and landowners. They will keep us updated on any new changes or developments.

Motion by Joe Aldrich to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 9:25 AM.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:02 AM in the County Commission Board Room.

ROLL CALL:

Craig Johannsen, Joe Aldrich, Don Bickett, Aaron Johnson, Gene Anderson and Mandi Anderson were all present. Dale Thompson Doug Jerlow were excused and absent.

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

Motion by Aaron Johnson to approve April 12th minutes sent to them by mail. Second by Joe Aldrich. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

A Plat of Lot 1 of Baumberger's Addition in the SE ¼ of Section 10-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "AG" District. They are dividing the existing farmhouse away from the adjacent farmstead and farmland. 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 Joe Aldrich. M/C All were ayes.

A Plat of Lot 1 of Annabelle Baumberger's Addition in the SW ¼ of Section 18-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "AG" District. They are dividing the existing farmsteads away from the adjacent farmland. Meets Lake County Regulations and the taxes have been paid in full. Motion by Joe Aldrich to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

A Plat of Tract 1 of Mergen's Addition in the SW ¼ of Section 16-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "AG" District. Platting away land from farmland where a farmstead with a tree belt existed to a new house to be built. Meets Lake County Regulations and the taxes have been paid in full. Motion by Craig Johannsen to recommend approval of this plat to the County Commission. Second by Gene Anderson. M/C All were ayes.

A Plat of Tract 2 of Mergen's Addition in the SW ¼ of Section 16-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "AG" District. Platting land away from farmland for non-residential use, to include an AG product processing facility. Meets Lake County Regulations and the taxes have been paid in full. Motion by Joe Aldrich to recommend approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

A Plat of Lot 1 Ellens' Addition in the SE ¼ of Section 15-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "AG" District. They are dividing the existing farmhouse away from the adjacent farmstead. 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 Gene Anderson. M/C All were ayes.

Conditional Use #17-03

Owner/Applicant: Lance Nordstrom – Nordstrom Investments

Property Description: Lot 25 of Nordstrom's Addition NW ¼ of NW ¼ of Section 36-106-52, Lakeview Township

Zoning Description: "CI" Commercial Industrial District

Request: Requesting a contractor shop and yard

History/Issue(s):

1. He is requesting to open a private business, *Lakeside Dock Sales and Service Inc.*
 - a. Boat lift and docks sales, repair, maintenance and storage.
2. Lake County Ordinance requires a landowner to go thru the conditional use process in the CI District.
3. Area Regulations for front, rear and side yard setback would all be met.
 - a. He has provided a site plan and blueprints of his proposed building and yard.
4. Big Sioux rural water, Sioux Valley Electric, Lake County Hwy Dept. and the township has been contacted. They have raised no objections to the conditional use request. Lance also attended the Lake Madison Sanitary District meeting on April 11th for the board's approval.

5. Staff recommendation – Conditional Use – Contractor Shop and Yard

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:

- The conditional use would not be injurious to the neighborhood or detrimental to the public welfare.
- Big Sioux, Sioux Valley, Sanitary District, Hwy Dept. and township do not object to the conditional use request.
- Contractor's shop and yards are allowable as a conditional use in the CI district under certain conditions.
- This private business would not only be convenient and beneficial to lake property owners, but it also fits in with the use of the other Districts.
- 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.

Some specific conditions that could be placed on this conditional use and were recommended by the Planning Commission to the BOA are the following:

- Any need of off-street parking generated shall be provided off the street and shall not be closer than 50 feet from the edge of the Highway road r-o-w or 20 feet to any residential zoned (LP-1) property line.
- Buildings shall not occupy more than 25% of the "CI" lot.
- Refuse (rubbish, trash, garbage, wastes or debris) shall be kept within a completely enclosed building or specifically designated area of the lot. Area must be screened from the road and adjacent properties. Such screening material may be a shelterbelt of shrubs and trees or a solid wall or suitable fencing approved by the BOA and screening must be maintained, well-groomed and in good repair.
- Shall allow for 1 (one) on premise sign and signage shall conform to Article XII., Section 1227.
- Off premise signage shall be limited to South Dakota Department of Transportation commercial, directional signs, also known as "TOD Signs". These signs, with SDDOT approval, may be located adjacent to State and Federal Highways.
- No traffic shall be generated in greater volumes than would normally be expected in a residential area.
- No equipment or process shall be used in which creates noise, vibration, glare, fumes, odors, or electrical interference offensive to the normal senses off the lot.
- If granted this contractor's shop and yard may not be changed to another contractor's shop and yard except by the issuance of a separate conditional use permit.

Action Item: Conditional Use – Contractor Shop and Yard

Motion by Aaron Johnson to recommend approval to the BOA of the applicant's Conditional use request and adopt the appropriate findings and specific conditions as outlined in the staff report. Second by Craig Johannsen. M/C All were ayes.

CONDITIONAL USE #17-06

Owner/Applicant: Dean Domeyer and JR Christensen - contractor

Property Description: TRACT "H" BAY VIEW 6TH ADDITION GOVT LOT 4, Lakeview township, 6664 Bayview Lane

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

Request: The applicant would like to build an unattached accessory building with greater dimensions than 1,200 sq./ft.

History/Issue(s):

1. He is requesting to build an unattached 1,936 sq./ft. garage on his property across the road from his cabin on Lake Madison.
 - a. Garage to include storage for his boat and toys for the lake. This is a non-livable space, non-dwelling.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build an accessory building greater than 1,200 sq./ft. in the "LP 1" District.
3. He is adjacent to a private road. 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. He meets all setbacks on this lot.
 - a. Proposed garage will sit 20' back from the edge of the Road R-O-W, 8' from the East side yard and 4 ½ feet from the West side yard and also will be 28' from the rear lot line.
4. Staff recommendation – Conditional Use – **Oversized Unattached 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 accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions.
- Meets all of the Lake County setback requirements.
- There are oversized garages 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

Action Item: Conditional Use – Oversized Unattached Accessory Building

Motion by Gene Anderson to recommend approval to the County Commission BOA of the applicant's Conditional use request and adopt the appropriate findings as outlined in the staff report. Second by Aaron Johnson. M/C All were ayes.

Conditional Use #17-07

Owner/Applicant: Dave Ellens

Property Description: A portion of "SE ¼ NW ¼ & SW ¼ EXC RLY & PT H-3"

New Plat to be "Tract 2 of Mergen's Addition in SW ¼ of Sec 16-106-51"

Zoning Description: "A" Agricultural District and "CP" Corridor Preservation Overlay District

Request: Requesting an agricultural product processing facility.

History/Issue(s):

1. Applicant is requesting a conditional use to build a new facility for his business, *Lakeco Crop Services, Inc.*
 - a. The facility will be used for the treatment and sale of corn and soybean seed and also the handling and sale of agricultural chemicals and liquid fertilizers.

2. Lake County Ordinance requires a landowner to go thru the conditional use process for an agricultural product processing facility in the "A" and "CP" Districts.
3. The proposed facility would be a cold storage warehouse for handling, processing and storing seed, chemical and fertilizer and would include an attached finished office space and a conference room.
4. This property being located in the Corridor preservation overlay district requires specific area regulations for the front yard setback. Their proposed facility meets this setback and all other side and rear yard setbacks as well.
 - a. Minimum setback of all structures shall be 225 feet from the section line or 150 feet from the road r-o-w line, whichever is greater. Their facility will sit 300 feet from the section line and 235 feet from the road r-o-w line.
5. The township has been contacted. They raise no objections to the conditional use request.
1. Staff recommendation – Conditional Use – **Agricultural Product Processing Facility**
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:

- The conditional use would not be injurious to the neighborhood or detrimental to the public welfare
- The township does not object to the conditional use request
- 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.

Some specific conditions that could be placed on this conditional use and could be recommended by the Planning Commission to the BOA are the following:

- This land platted and purchased may not be used for residential purposes.
- An agricultural product processing facility may not conflict with adjoining land uses.
- Off premise signage for an agricultural product processing facility shall be limited to South Dakota Department of Transportation commercial, directional signs, also known as "TOD Signs". These signs, with SDDOT approval, may be located adjacent to State and Federal Highways.
- Any need of off-street parking generated shall be provided off the street and other than in a required front yard.
- No equipment or process shall be used in which creates noise, vibration, glare, fumes, odors, or electrical interference offensive to the normal senses off the lot.
- An agricultural product processing facility may not be changed to another use except by the issuance of a separate conditional use permit.

Aaron Johnson added the question of "How will your chemicals be contained so no contamination occurs"?

Dave Ellens responded, as of right now they are only planning on receiving and storing their chemicals in smaller totes. The facility they are building now will have a concrete curb around the entire building for containment. They may later store it in bulk bins which would all be contained in another building that would be built on site that would be heated.

Action Item: Conditional Use – AG Product Processing Facility

Motion by Aaron Johnson to recommend approval to the BOA of the applicant's Conditional use request and adopt the appropriate findings and specific conditions as outlined in the staff report. Second by Craig Johannsen. M/C All were ayes.

Motion by Aaron Johnson to adjure the Planning Commission Meeting. Second by Craig Johannsen. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:35 AM.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 07:59 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 Gene Anderson to approve the agenda. Second by Doug Jerlow. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve May 10th minutes sent to them by mail. Second by Craig Johannsen. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

Conditional Use #17-09

Owner/Applicant: Kelly & Chelsie Bakken

Property Description: LOT 1 BORGARD'S ADD NW ¼ SEC 10-108-51, Summit Township

Zoning Description: "A" Agricultural District

Request: Requesting an extended home occupation.

History/Issue(s):

1. He and his wife are interested in building a graphic arts studio for her business on their property in the county.
 - a. "Fruit Cocktail Creations" is a web based business where she takes pictures for 'stock cards', builds themes and sells the pictures online to companies that do visual advertisements or marketing.
2. Lake County Ordinance requires a landowner to go thru the conditional use process for an extended home occupation in the "A".
3. The business will consist of family members only and will be conducted in an accessory building built on the property.
 - a. The proposed structure will meet all Lake County setbacks and regulations.
4. They may in the future add a small, non-illuminated on-premise sign that would not exceed (16) sq/ft in area.
5. No traffic shall be generated than what would normally be expected in a residential neighborhood. Their property is located off of a Summit township road. The township has been contacted and they raise no objections to the conditional use request and their signature was obtained.
6. Staff would recommend that if the conditional use be granted that this proposed extended home occupation may not be changed to another extended home occupation except by the issuance of a separate conditional use permit.
7. Staff recommendation – Conditional Use – **Extended Home Occupation**
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:

- The conditional use would not be injurious to the neighborhood or detrimental to the public welfare
- The township does not object to the conditional use request
- 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 – Extended Home Occupation

Motion by Gene Anderson to recommend approval to the County Commission BOA of the applicant's Conditional use request and adopt the appropriate findings as outlined in the staff report. Second by Craig Johannsen. M/C All were ayes.

A Plat of Lot H1 of Government Lot 3 in the NE ¼ of Section 30-106-51 in Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. Mark Kreutzfeldt is platting land for development opportunity and a way to reach his property to the south. The name of this plat ("H1") refers to an access road such as a Highway Plat. Banner expressed to me that that is exactly what this plat is, an access to his other lots to the south. Mark has told me that he at some point in the future wants to construct a shed or garage on this lot. This plat doesn't restrict access to any of the other adjacent lots. 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 Aaron Johnson. M/C All were ayes.

A Plat of Lot 1 of Stemper's Addition in the W ½ of the NW ¼ of Section 16-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located in the "A" District. Pete is platting land to use for a turnaround area for trucks and vehicles only. This plat does NOT meet Lake County Regulations for minimum acres allowed in the "A" District located over the Aquifer Protection Overlay District which requires at least 5 acres. This plat contains only 1 acre and is therefore considered nonconforming to our current Lake County Ordinance for area requirements to be considered a buildable lot. Taxes have been paid in full. Motion by Craig Johannsen to recommend the approval of this plat and adopt that facts and finding laid out the Zoning Officer to the County Commission. Second by Dale Thompson. M/C All were ayes.

Septic Permit Cost Discussion:

Our current cost for a new or replacement septic permit for individual and small on-site wastewater systems is \$50.00. Zoning Officer suggested we reduce our current cost to a \$1.00. We do not have a septic or wastewater Ordinance. SD DENR is the governing body for septic systems in our state and our county's only interest is simply to keep track of the systems and a record for future reference. We have other permits such as our DESTROY permit that cost a \$1.00, which I added takes a substantial amount of time compared to handing the septic permit to a contractor and filing it away once it has been returned.

Discussion on the current cost of our Septic permit should stay the same \$50.00 for new or replacement and to exclude the Sanitary Districts from this fee and application and the Destroy permits should be increased to \$25.00 for the fact that they do take time for the Zoning officer to fill out the application with the landowner, cover expenses for the paperwork and the time recording it after the permit has been issued. Craig Johannsen recommended to send their costs discussions to the County Commissioners for their review and approval. Second by Joe Aldrich. M/C All were ayes.

Motion by Doug Jerlow to adjure the Planning Commission Meeting. Second by Gene Anderson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:41 AM.

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, Dale Thompson, Joe Aldrich Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Mandi Anderson were all present.

AGENDA/ADDITIONS:

Mandi Anderson requested to remove Conditional Use Application #17-08 for Riley Hyland.

Motion by Aaron Johnson to approve the agenda as amended. Second by Craig Johannsen. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve June 14th minutes sent to them by mail. Second by Doug Jerlow. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

A Plat of Tract 1 & Tract 2 of Pederson's Addition in the S ½ N ½ NW ¼ of Section 17-107-53 in Farmington Township was presented to the Planning Commission. This plat is located in the "AG" District. Platting away the existing farmstead from the adjacent farmland. Note that the existing house and garage are closer than the required 30' side yard setback to the southern lot line. If they should request any future additions onto these nonconforming structures they must go through the variance process to do so. Meets all other Lake County Regulations and the taxes have been paid in full. Motion by Gene Anderson to recommend approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

VARIANCE #17-03

Owner/Applicant: Bruce Lingle

Property Description: S 885' W 1325' EXC H-S #4166B, Winfred Township

Zoning Description: "AG" – Agricultural District

Request: The applicants are seeking a variance from the minimum front yard setback.

History/Issue(s):

1. The applicant is interested in extending his old deck off the back of the house and is requesting to build this extension within the minimum front yard setback.
 - a. The current house and deck is located all within the minimum front yard setback.
2. He is asking for an approximate 25'-30' variance from the required Lake County Ordinance of 75'. This new addition will not go closer to the highway but in fact will go the opposite direction towards the rear yard.
 - a. He would meet the side and rear yard setbacks.
3. Lake County Ordinance requires that a land owner go through the variance process if they cannot meet the setback.
4. Adjoining neighbor and the township have been contacted. They raise no objections to the variance request. Their signatures were obtained in approval.
5. Staff recommendation – Variance – **Minimum Front 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 landowner 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.
- The reasons set forth justify the granting of the variance.
- There are special conditions or circumstances that exist which are peculiar to the structure involved.

- 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:

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

Action Item: Variance – Minimum Front Yard Setback

Motion by Dale Thompson to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the findings as outlined in the staff report. Second by Doug Jerlow. M/C All were ayes.

CONDITIONAL USE #17-10

Owner/Applicant: Milan Dimich (Contractor – Lance Nordstrom)

Property Description: LOT 22 Nordstrom's Addition, Lakeview Township

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

Request: The applicant would like to build a shed/garage/accessory building with sidewalls greater than 12 feet and dimensions greater than 1,200 sq/ft.

History/Issue(s):

1. He is requesting to build a 40'x72'x14' shed on his newly purchased property.
 - a. Shed to include cold storage for his own personal use. This is a non-living dwelling.
 - b. 2,880 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build a shed/garage/accessory building taller than 12 feet and greater than 1,200 sq/ft in the "LP 1" District.
3. He is adjacent to a private road. 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 lot line. He meets all setbacks on this lot.
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 recommend approval to the County Commission BOA of the applicant's Conditional Use request and adopt the findings as outlined in the staff report. Second by Aaron Johnson. M/C All were ayes.

Motion by Doug Jerlow to adjure the Planning Commission Meeting. Second by Craig Johannsen. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:13 AM.

The regular meeting of the Lake County Planning Commission was called to order at the hour of 08:05 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 Doug Jerlow. M/C All were ayes.

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve July 12th minutes sent to them by mail. Second by Joe Aldrich. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

A Plat of Tract 1 Leighton's Addition in the NW ¼ of Section 29-106-53 in Herman Township was presented to the Planning Commission. This plat is located in the "AG" District. They are dividing the existing farmstead from adjacent farmland into a single separate parcel of land. 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 Gene Anderson. M/C All were ayes.

A Plat of Lot 5 in Block 2 of Lakes Community Addition in government Lot 5 in the SW ¼ of Section 32-106-51 Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. They are platting a residential lot for future 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 Doug Jerlow. M/C All were ayes.

A Plat of Lot 33 in Block 8 of Lakes Community Addition in the SE ¼ of Section 32-106-51 Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. They are platting a residential lot for future development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Joe Aldrich to recommend the approval of this plat to the County Commission. Second by Aaron Johnson. M/C All were ayes.

A Plat of Lot 34 in Block 8 of Lakes Community Addition in the SE ¼ of Section 32-106-51 Wentworth Township was presented to the Planning Commission. This plat is located in the "LP-1" District. They are platting a residential lot for future 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 Joe Aldrich. M/C All were ayes.

VARIANCE 17-04

Owner/Applicant: Brian Ackerman

Property Description: Lot 19 Blk D E. Spawns Sub Lots 3-4-5 Sec 10, Chester Township

Zoning Description: "LP 1" - Lake Park District 1- Brant Lake

Request: The applicant is seeking a Variance from the minimum side yard setbacks.

History/Issue(s):

1. The applicant is interested in building a new single-family dwelling and is requesting to build closer to the side yards.
2. He is requesting 4' side yard variances so the proposed structure's over hang would be 5' from each side yard.

3. This lot was platted prior to Lake County Zoning regulations and is now considered nonconforming due to the square footage only being approximately 3,200 sq. /ft. (40'x80') and the lot width only being 40'.
 - 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. Lake County Ordinance requires that a landowner go through the variance process if they cannot meet the setbacks.
5. Adjoining neighbors have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval.
6. I contacted the Brant Lake Sanitary and they do not have an approval process just needed notification of the project.
7. The Brant Lake Improvement Association sees no problem with Brian's request and emailed me an approval.
8. Staff recommendation – Variance – **Minimum Side Yard Setbacks**
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 unique size of this lot.
- Single family dwellings are compatible with adjacent properties and other properties in LP-1; the variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining landowners and Brant Lk Improvement Association 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

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-1 district.
- 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.

Action Item: Variance – Minimum Side Yard Setbacks

Motion by Joe Aldrich to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the findings as outlined in the staff report. Second by Craig Johannsen. M/C All were ayes.

CONDITIONAL USE # 17-11

Owner/Applicant: Brian Ackerman

Property Description: Lot 22 Blk 3 South Side View, Section 10, Chester Township

Zoning Description: "LP 1"- Lake Park District 1 - Brant Lake

Request: The applicant is seeking a conditional use to build an unattached garage with greater dimensions than 1,200 sq/ft and sidewalls greater than 12'.

History/Issue(s):

1. He is requesting to build a 40'x56'x14' (2,240 sq/ft) garage on a back lot on Brant Lake. This is non-living structure.
1. Lake County Ordinance requires a landowner to go thru the conditional use process to build an unattached garage with greater dimensions than 1,200 sq/ft and sidewalls greater than 12'.
2. The proposed structure would meet all yard setbacks.
 - a. He is adjacent to a private road and will have a front yard (road front) of 22 feet and side and rear yards of 2' and greater. 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.
3. This lot was platted prior to Lake County Zoning regulations and is now considered nonconforming due to the square footage only being approximately 4,200 sq. /ft. and the lot width being 60' narrowing down to 45'.
 - 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'.
4. The Brant Lake Improvement Association sees no problem with Brian's request and emailed me an approval.
5. Staff recommendation – Conditional Use – **Oversized Unattached Garage**
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:

- The Conditional Use would not be injurious to the neighborhood or detrimental to the public welfare
- The Brank Lake Improvement Assoc. does not object to the Conditional Use request
- Meets all of the Lake County yard setbacks
- There are oversized garages 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

Action Item: Conditional Use – Oversized Unattached Garage

Motion by Dale Thompson to recommend approval to the County Commission BOA of the applicant's Conditional Use request and adopt the findings as outlined in the staff report. Second by Doug Jerlow. M/C All were ayes.

VARIANCE 17-05

Owner/Applicant: Dale Terwilliger

Property Description: Lots 4-5-6 Blk 6 Orig Plat #4954 – 401 Lake Street, Winfred Township

Zoning Description: "TD"- Town District - Winfred

Request: The applicant is seeking a variance from the minimum front yard setback.

History/Issue(s):

1. The applicant is interested in building an addition onto his home and is requesting to build closer to the front yard.
 - a. Addition to include a living room and master bedroom and bathroom. 20'x26'
 - b. Addition to also include a covered concrete patio, open on three sides. 10'x26'
2. He is requesting a 14' variance, the proposed addition would be 11' from the Southern front yard lot line.
 - a. Ordinance requires a minimum front yard setback of 25'.
 - b. He is also located on a corner lot and Ordinance states that structures on all corner lots shall observe 2 front yards, the depth of the front yard on each street which the lot abuts, shall maintain a minimum setback of 25' for residential dwelling. He meets the other front yard setback and side and rear setbacks.
 - c. Also being located on a corner lot he must maintain a vision clearance and cannot obstruct view with structures taller than 3'. He does not obstruct the Clear View Triangle.
3. Lake County Ordinance requires that a landowner go through the variance process if they cannot meet the setbacks.
4. Adjoining neighbor and township has been contacted. They have raised no objections to the variance request and their signatures were obtained in approval.
5. Staff recommendation – Variance – **Minimum Front 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 landowner and the township 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

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 TD district.
- 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.

Action Item: Variance – Minimum Front Yard Setback

Motion by Aaron Johnson to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the findings as outlined in the staff report. Second by Craig Johannsen. M/C All were ayes.

Conditional Use #17-08

Owner/Applicant: Riley Hyland along with Brian Freidrichsen, senior engineer at Dakota Environmental

Property Description: NE ¼ EXC HWY & EXC E584' N1116' & EXC S595' N1711' E1715', Section 12 Farmington Township

Zoning Description: "A" Agricultural

Request: Requesting to start a "Class B" CAFO

History/Issue(s):

1. They are requesting to build a Class B concentrated animal feeding operation consisting of 1,920 animal units, 4,800 head of finishing swine.
 - a. Riley has the intention of purchasing approx. 10 acres that this proposed CAFO site will be located on from Hyland Family Farm LLC, Duane and Barb Hyland, his parents, if approved. His parents have given Riley their blessing for the CAFO operation and spreading the manure on the family's shared farmland.
 - b. This is a desirable location for Riley as he lives in the same ¼ Section as this proposed CAFO.
2. Lake County Ordinance requires a landowner to go thru the conditional use process in the "A" District under Section 1101.03 #12, Class B.
3. Their proposed CAFO is in conformance with all Lake County Zoning Requirements for a Class B.
 - 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;
 - 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.
4. This operation is located off of a Farmington township road and they have been contacted. They have raised no objections to the conditional use request and their signature was obtained.
5. Class B CAFO's require SD-DENR approval and conformance with State regulations and standards.
6. Staff recommendation is to grant the Conditional Use – **CAFO Class B**
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 conditional use in the AG District under certain conditions.
- There is an existing CAFO operation less than 2 miles to the north of this proposed operation, compatible with adjacent properties.
- The CAFO is not out of the ordinary being located in the AG District.
- The township does not object to the Conditional Use request.
- They have provided all of the required information for a Class B CAFO permit.
- 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.

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

- None

Questions and concerns from neighbors:

- Jerry Bergheim (to the West) – Notification of the conditional use sign, shouldn't it be taller or in a clearer view? Why doesn't Riley just have the CAFO off of Hwy 81?
-SDCL only regulates the size of the sign, not the height or placement of the sign. Riley didn't design his home place to allow for CAFO traffic coming through his yard and this is the best location in his opinion. He is wanting to own this whole ¼ of land from his parents and want the CAFO to be on this quarter of land preferably in that location.
- Randy Goff (to the West) – Who makes these setbacks up? Whom came up with the setback
-Our Lake County Commissioners, 1st District
- Rick Becker (to the South) – Process of where an applicant goes first to get a permit, the county or state SD-DENR and if there are problems or concerns after it's built and running who do you call for questions
-They would receive a county CU permit first and that's conditioned on approval by the state for their permit. Either the SD-DENR or the County could be called if there were concerns, we would work together
- Kathy Phelps (to the North) – Conditional Use process and program. NRCS farm program?
-If they were in the future to build larger and add animals they would have to apply for this conditional use permit again. NRCS has nothing to do with this project, they are not located in a shallow aquifer or a wetland.
- Duane Phelps (to the North) – Odor, smell, Additives to the feed and pit to help reduce fly and rodent. Where do the hogs comes from? Whose operation is this? What about trees, can he plant trees?
-Brian from Dakota Envir. Spoke about additives to both the pit and feed to control flies. The hogs will come from Overski's confinement and Riley will be custom feeding at his confinement until they reach weight. Trees are a definite possibility and can work with the soil conservation district to place them.
- Rick Wingle (to the West) – Odor
- Courtney Wheeler (to the West) – Will the value of my land decrease?
- Justin Thorstad (to the West) – This plan that is being presented, it's best management practices doesn't state specifically what he will and will not do. Township road maintenance, who keeps up the Township road?
- Riley obtained permission from the township official, that would be up to the township as the county has no governing over those roads.

Action Item: Conditional Use – CAFO Class B

Motion by Dale Thompson to recommend approval to the County Commission BOA of the applicant's Conditional Use request and adopt the findings as outlined in the staff report. With the recommendations to include the conditions to add trees with help from Soil Conservation (shelter belt) to help with the odor control and also to follow the Best Management practices as strictly as possibly.

Second by Craig Johannsen.

Roll call vote: Craig, Dale, Joe, Don, Doug, Aaron all ayes. Gene was nay. (6/7 Voted Yes)

Motion by Gene Anderson to adjure the Planning Commission Meeting. Second by Doug Jerlow. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:58 AM.

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, Dale Thompson, Joe Aldrich, Don Bickett, Doug Jerlow, Aaron Johnson and Mandi Anderson were all present. Gene Anderson was excused from the meeting.

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

Motion by Dale Thompson to approve August 9th minutes sent to them by mail. Second by Joe Aldrich. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

A Plat of Tracts 1, 2 and 3 of Stapleton's Addition in the N ½ of the SE ¼ of the SE ¼ of Section 26-106-52 in Lakeview Township was presented to the Planning Commission. This plat is located both in the "A" and "LP-1" District. They are dividing the single-family residence on Tract 1 from the rear land and adding land to Tract 3. Tract 2 already exists and has been platted before but an access easement was added to the Tract to allow for the access to Tract 3. 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 Aaron Johnson. M/C All were ayes.

Conditional Use #17-12

Owner/Applicant: Gaylen Backus

Property Description: LOT 1 ETHANOL PLANT ADDITION, NW ¼ SECTION 21, Wentworth Township

Zoning Description: "A" Agricultural District & "CP" Corridor Protection District

Request: Requesting an on premise sign

History/Issue(s):

1. He is requesting to place a non-illuminated 4'x 8' sign on his property to advertise for his popcorn business.
2. Lake County Ordinance requires a landowner to go thru the conditional use process for an on premise sign.
3. The proposed sign would sit 1' off of the county road right-of-way and 5' off of State Hwy 34 road right-of-way.
 - a. No part of the sign will project over the road right-of-way or on private property;
 - b. The sign will be constructed to not obstruct the view of the intersection, it will be erected adjacent to a corner of two intersecting streets;
 - c. Will not impair the driver's ability to see pedestrians, obstacles, vehicles or other official traffic signs.
 - d. Meets the SD Dept. of Transportation standards;
 - e. It will not confuse or distract motorist;
 - f. Meets the maximum surface area of square footage and;
 - g. Meets the sides and rear yard and height requirements for the "A". (Asking for Variance for front setbacks)
4. He has contacted the state and county highway. They raise no objections to the conditional use request and the placement of the sign.
5. Staff recommendation – Conditional Use – **On Premise Sign**
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:

- The Conditional Use would not be injurious to the neighborhood or detrimental to the public welfare

- The state and county highway dept. do not object to the Conditional Use request
- Meets all of the on premise sign requirements and regulations
- 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:
 - 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:

- None

Action Item: Conditional Use – On Premise Sign

Motion by Dale Thompson to recommend approval to the County Commission BOA of the applicant's Conditional Use request and adopt the findings as outlined in the staff report. Second by Craig Johannsen. M/C All were ayes.

VARIANCE #17-06

Owner/Applicant: Gaylen Backus

Property Description: LOT 1 ETHANOL PLANT ADDITION, NW ¼ SECTION 21, Wentworth Township

Zoning Description: "A" Agricultural District & "CP" Corridor Protection District

Request: The applicant is seeking a Variance from the minimum front yard setbacks.

History/Issue(s):

1. The applicant is interested in placing an on premise sign in the corner of his property to advertise for his popcorn business. The corner of State Hwy 34 and County Hwy 19.
2. Lake County Ordinance requires structures/signs to observe the setback of the district. He is located in both the Ag and Corridor Protection overlay District.
3. He is asking for a 74' variance from the required 75' front yard setback from the County Hwy road right-of-way and a 145' variance from the required 150' State Hwy road right-of-way corridor protection setback. The proposed sign would sit 1' off of the County road right-of-way and 5' off the State Hwy road right-of-way.
 - a. Being located on a corner lot he must maintain a vision clearance and cannot obstruct view with structures taller than 3'. He does not obstruct the Clear View Triangle.
 - b. He would meet the rear, side and height requirements.
4. Lake County Ordinance requires that a land owner go through the variance process if they cannot meet the setback.
5. The adjoining landowner, State Hwy Dept., County Hwy Dept. and the Wentworth township have been contacted. They raise no objections to the variance request. Their signatures were obtained in approval.
6. Staff recommendation – Variance – **Minimum Front 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 township does 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.
- Granting the variance would not substantially impair the intent and purpose of the zoning ordinance.
- The granting of this variance request would not confer on the applicant special privilege denied to others in the AG district.

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.

Action Item: Variance – Minimum Front Yard Setback

Motion by Aaron Johnson to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the findings as outlined in the staff report. Second by Joe Aldrich. M/C All were ayes.

VARIANCE 17-07

Owner/Applicant: Mitchell and Bobbi Anderson, Contractor - Keppen Construction

Property Description: W ½ Lot 4 & All Lot 5 & E30' Lot 6 Wood Resort, Wentworth Township

Zoning Description: "LP 1"- Lake Park District 1- Lake Madison

Request: The applicant is seeking a Variance from the minimum front and rear yard setbacks.

History/Issue(s):

1. The applicant is interested in building a new single-family dwelling and is requesting to build closer to the front and rear yards.
2. They are requesting an 11' front yard (road) variance and a 7' rear yard (lake) variance. Ordinance requires a 30' front yard when adjacent to a public road and 25' from the lake's OHWM.
 - a. They would meet all other setbacks, side yards and 4' above OHWM.
 - b. Averaging setback is not required in this case because the adjacent houses are closer to the lake than 25'.
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 6,300 sq. /ft. (105'width x 60'depth). It is a lot of record.
 - 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. Lake County Ordinance requires that a landowner go through the variance process if they cannot meet the setbacks.
5. Adjoining neighbors and township have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval.
6. The County Highway Dept. sees no problem with their request. Since equipment will be in the Road R-O-W during the majority of the project and until completion, they have been notified of the safety and hazard precautions.
7. Staff recommendation – Variance – **Minimum Front and Rear Yard Setbacks**
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 unique size of this lot.
- Single family dwellings are compatible with adjacent properties and other properties in LP-1; the variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining landowners, Hwy Dept. and the township 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
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.

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.

Charlie Keppen was there to represent the Anderson's as he is their contractor for the project.

Action Item: Variance – Minimum Front and Rear Yard Setbacks

Motion by Dale Thompson to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the findings as outlined in the staff report. Second by Craig Johannsen. M/C All were ayes.

VARIANCE 17-08

Owner/Applicant: Richard and Jane Maner

Property Description: Lot 22 Blocks A & C Wentworth Park, Wentworth Township

Zoning Description: "LP 1"- Lake Park District 1- Lake Madison

Request: The applicant is seeking a Variance from the minimum side yard and averaging setbacks.

History/Issue(s):

1. The applicants are interested in building a sun room addition onto the lake side of their single-family dwelling and are requesting to build closer to the one side yard and the lake side averaging setback.
2. Lake County Ordinance requires a minimum side yard setback of 9' and all structures adjacent to lakes where adjoining lots are developed with a setback greater than 25 feet, that the required setback shall be the average of the setback of the adjoining lots.

3. They are requesting a 2' side yard variance and a 3' averaging (lake side) variance. The averaging of the adjoining lots is 53'. They are requesting to be 50' from the lake side.
 - a. They would meet all other setbacks, side yards and 4' above OHWM.
4. 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 5,800 sq. /ft. (40'width x 145'depth) and a lot width of 40'. It is a lot of record.
 - 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.
5. Lake County Ordinance requires that a landowner go through the variance process if they cannot meet the setbacks.
6. Adjoining neighbors and Wentworth Park Association have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval.
7. Staff recommendation – Variance – **Minimum Side Yard and Averaging Setbacks**
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 unique size of this lot.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining landowners and the association 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

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 the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.

Action Item: Variance – Minimum Side Yard and Averaging Setbacks

Motion by Aaron Johnson to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the findings as outlined in the staff report. Second by Doug Jerlow. M/C All were ayes.

VARIANCE 17-09

Owner/Applicant: Norman & Mary Cooper

Property Description: S 133.2' N 1329.8' W 377' NW ¼ Sec 22, Orland Township

Zoning Description: "A" Agricultural District

Request: The applicant is seeking a Variance from the minimum rear yard setbacks.

History/Issue(s):

1. The applicant is interested in building a new pole shed for storage in the rear of their property.
2. They are requesting a 49' rear yard variance, only being 1' from their property line. Ordinance requires a 50' rear yard setback.
 - a. They would meet all other setbacks and requirements for front, side yards and height.
 - b. Their property is not platted, only deeded land containing just over 1 acre.
3. Lake County Ordinance requires that a landowner go through the variance process if they cannot meet the setbacks.
4. Adjoining neighbor and township have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval.
5. Staff recommendation would be to leave an appropriate amount of footage between the building and rear yard lot line to allow for maintenance and water runoff for the current and future land owners. Staff Recommends 2'-5' minimum setback from the rear yard.
6. Variance – **Minimum 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 adjoining landowners and the township do not object to the Variance request
- Granting the variance will not be injurious to the neighborhood, or otherwise detrimental to the public welfare

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

- The Variance is the not the minimum Variance that will make possible the reasonable use of the land
- There are not 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.
- Granting the variance would substantially impair the intent and purpose of the zoning ordinance.

Action Item: Variance – Minimum Rear Yard Setback

Motion by Joe Aldrich to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the findings and recommendation as outlined in the staff report. Second by Dale Thompson. M/C All were ayes.

*Staff recommendation would be to leave an appropriate amount of footage between the building and rear yard lot line to allow for maintenance and water runoff for the current and future land owners. Staff Recommends 2' -5' minimum setback from the rear yard.

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 8:25 AM.

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, Dale Thompson, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Mandi Anderson were all present. Joe Aldrich was absent for roll call but did arrive later in the meeting (8:12am).

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

Motion by Gene Anderson to approve September 13th minutes sent to them by mail. Second by Dale Thompson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

VARIANCE 17-10

Owner/Applicant: Jim & Helen Grace Gillen, Contractor – Brad Eggebraaten

Property Description: Lot 15 Garrett Spawn Subdiv Lot 2, Sec 10-105-51, Chester Township

Zoning Description: "LP 1"- Lake Park District 1- Brant Lake

Request: The applicant is seeking a Variance from the minimum front and side yard setbacks.

History/Issue(s):

1. The applicant is interested in building an upper level addition onto the existing single-family dwelling and is requesting to build closer to the side yard. Also building a new unattached garage and is requesting to build closer to the front yard.
 - a. The upper level addition would include the master bedroom, bathroom, spare rooms and large walk-in closet and storage, as well as a covered deck off the front.
 - b. The unattached garage would sit in the front yard of the property next to the road beside the existing garage. They will not be attached and is allowing for a walkway in between them.
2. They are requesting a 3' West side yard variance and a 5' East side yard variance for the upper level addition and a 3' front yard (road) variance for the unattached garage. Ordinance requires a 9' side yard setback and 10' front yard setback when adjacent to a private road.
 - a. The upper level addition will not encroach the side yards any more than the footprint of the existing house.
 - b. They would meet all other setbacks, rear, height, averaging and 4' above OHWM.
 - c. Accessory buildings such as the requested unattached garage may be built in the required front yard but such building shall not occupy more than 30% of a required front yard. The existing and the proposed garage will not occupy more than the 30% therefore they meet this standard of the ordinance.
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 7,500 sq. /ft. (50' width x 150' depth) and the width only being 50'. It is a lot of record.
 - 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. Lake County Ordinance requires that a landowner go through the variance process if they cannot meet the setbacks.
5. Adjoining neighbor to the West and the Brank Lk Development Association have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval. The Gillen's were unable to retrieve a signature of the adjoining neighbor to the East after several attempts so then attempted to notify her via Certified Mail and after 2 notices the post office was unable to deliver the letter.
6. Staff recommendation – Variance – **Minimum Front and Side Yard Setbacks**
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 unique size of this lot.
- Single family dwellings and unattached garages are compatible with adjacent properties and other properties in LP-1; the variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining landowner and the Brank Lk Association 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
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.
- 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.

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

NONE

Contractor Brad Eggebraaten was there to represent the Gilliens.

There was some concern from the Board members about fire access to the residence. But after some Ordinance explanations by County Zoning Official their questions were answered regarding setbacks.

Action Item: Variance – Minimum Front and Side Yard Setbacks

Motion by Dale Thompson to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the findings as outlined in the staff report. Second by Craig Johannsen. M/C All were ayes.

VARIANCE 17-11

Owner/Applicant: Brian Kringen, Contractor: Terry – Thunder Creek Custom Homes

Property Description: Lot 13 Lenola Heights Resub #2294, 6634 Lenola Hts, Sec 13-106-52, Lakeview Township

Zoning Description: "LP 1"- Lake Park District 1- Lake Madison

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

History/Issue(s):

1. The applicant is interested in building an addition onto the lake side of his single-family dwelling and is requesting to build closer to the one side yard.
 - a. Addition on the main level to include a master bed and bath with walk-in closet, sitting room and uncovered deck towards the lakeside. Lower level addition to include added space to the basement and a large open sided covered patio facing the lake.
2. He is requesting a 2' variance on the Northern side yard proposing to be 7' off the lot line. Lake County Ordinance requires a 9' side yard setback.
 - a. They would meet all other setbacks, front yard, rear yard, height, averaging and 4' above OHWM.
 - b. The averaging of the adjoining lots is 37'. He is requesting to be 51' from the lake side.
3. We acknowledge that this lot was platted prior to Lake County Zoning regulations and is considered nonconforming due to the lot width of only 50'. It is a lot of record.
 - 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. Lake County Ordinance requires that a landowner go through the variance process if they cannot meet the setbacks.
5. Adjoining neighbors and the Township have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval.
6. Staff recommendation – Variance – **Minimum 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 unique size of this lot.
- The variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining landowners and the township 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.
- The granting of the variance request would not confer on the applicant special privilege denied to others in the LP-1 district.

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

NONE

Contractor Terry from Thunder Creek Custom Homes was there to represent Mr. Kringen.

Action Item: Variance – Minimum Side Yard Setback

Motion by Doug Jerlow to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the findings as outlined in the staff report. Second by Aaron Johnson. M/C All were ayes.

CONDITIONAL USE #17-13

Owner/Applicant: Dallas & Amy Hofeman

Property Description: Lot 4 Pederson's Addition SE ¼ Sec 30-106-51, Wentworth Township

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

Request: The applicant would like to build an unattached garage with sidewalls greater than 12 feet and dimensions greater than 1,200 sq/ft.

History/Issue(s):

1. He is requesting to build a 40'x64'x14' garage on his property located on a back lot at Lake Madison.
 - a. Shed to include cold storage for his own personal use. This is a non-living dwelling.
 - b. 2,560 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build an unattached garage taller than 12 feet and greater than 1,200 sq/ft in the "LP 1" District.
3. He is adjacent to a private road. 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 lot line. He meets all setbacks on this lot.
4. He is located within the Wentworth Park Association. The Association and Township has been contacted and they raise no objections to the conditional use request and their signatures were obtained in approval.
5. Staff recommendation – Conditional Use – **Oversized Unattached Garage**
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.
- 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 – Oversized Unattached Garage

Motion by Craig Johannsen to recommend approval to the County Commission BOA of the applicant's Conditional Use request and adopt the findings as outlined in the staff report. Second by Gene Anderson. M/C All were ayes.

VARIANCE 17-12

Owner/Applicant: Longacre Farms – Randy Hansen & Dave Daniel

Property Description: SE ¼ exc N250' E373' lot 9 and exc Tract A Daniel & Hansen 1st Add & exc D&C Daniel 1st Add #34
Sec 06-105-51, Chester Township

Zoning Description: "A"- Agricultural District

Request: The applicants are seeking a variance from the minimum front yard setback.

History/Issue(s):

1. The applicants are interested in building an office onto their existing AG building and are requesting to build closer to the front yard.
 - a. Addition to include finished office space and a washroom. 17'x 31'
2. They are requesting a 12' variance, the proposed addition would be 63' from the Eastern front yard lot line.
 - a. They are located on a corner lot and Ordinance states that structures on all corner lots shall observe 2 front yards, the depth of the front yard on each street which the lot abuts, shall maintain a minimum setback of 75' for structures. He meets the other front yard setback as well as the side, rear and height setbacks.
 - c. Also being located on a corner lot he must maintain a vision clearance and cannot obstruct view with structures taller than 3'. He does not obstruct the Clear View Triangle.
3. Lake County Ordinance requires that a landowner go through the variance process if they cannot meet the setbacks.
4. The Lake County Hwy Dept and township has been contacted. They have raised no objections to the variance request and their signatures were obtained in approval. Adjoining land is owned by Longacre Farms and partners.
5. Staff recommendation – Variance – **Minimum Front 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 Hwy Dept 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
- The reasons set forth justify the granting of the Variance
- The granting of the variance request would confer on the applicant special privilege denied to others in the "A" district.

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.

Action Item: Variance – Minimum Front Yard Setback

Motion by Aaron Johnson to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the findings as outlined in the staff report. Second by Doug Jerlow. M/C All were ayes.

VARIANCE 17-13

Owner/Applicant: Cynthia Huntimer, Dan Dannenbring and Paul Alan Construction – Contractors

Property Description: LOT 41 Haggs Lakeshore Park #3442 Sec 11-106-53, Herman Township

Zoning Description: "LP-1"- Lake Park 1 District

Request: The applicants are seeking a variance from the minimum front yard setback.

History/Issue(s):

1. The applicant is interested in building a new patio off the front of the existing house and is requesting to build closer to the front yard.
 - a. Proposed new wood patio approx. 21'x 20'
 - b. In the past there was a 12'x 12' wooden deck in this same location but in recent years had been torn off.
2. They are requesting a 3' variance, the proposed patio would be 27' from the southern front yard lot line. Ordinance permits a front yard setback of 30' when adjacent to a public road.
 - a. She is located on a corner lot and Ordinance states that structures on all corner lots shall observe 2 front yards. A building may be erected or reconstructed or altered in such a way as long as a portion thereof may not be closer to the street line than the average improved building front on that street, but in no case, shall the setback line be less than 12' from the front lot line. (Averages are 78' from front lot line)
 - c. Also being located on a corner lot she must maintain a vision clearance and cannot obstruct view with structures taller than 3'. She does not obstruct the Clear View Triangle.

3. Lake County Ordinance requires that a landowner go through the variance process if they cannot meet the setbacks.
4. The Lake County Hwy Dept and the adjoining landowner have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval.
5. Staff recommendation – Variance – **Minimum Front 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 Hwy Dept and adjoining landowner 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
- The granting of the variance request would confer on the applicant special privilege denied to others in the LP-1 district.

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.

Contractor Dan Dannenbring was there to represent Cynthia Huntimer.

Action Item: Variance – Minimum Front Yard Setback

Motion by Dale Thompson to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the findings as outlined in the staff report. Second by Aaron Johnson. M/C All were ayes.

Motion by Doug Jerlow to adjure the Planning Commission Meeting. Second by Gene Anderson. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:38 AM.

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, Dale Thompson, Joe Aldrich, Don Bickett, Doug Jerlow, Gene Anderson and Mandi Anderson were all present. Aaron Johnson was excused for an out of town event.

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

Motion by Gene Anderson to approve October 11th minutes sent to them by mail. Second by Dale Thompson. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

A Plat of Tract 1 Kiel's Addition in the S ½ of SE ¼ of Section 30-105-51 in Chester Township was presented to the Planning Commission. This plat is located in the "AG" District. They are dividing land away from farmland for residential development. Meets Lake County Regulations and the taxes have been paid in full. Motion by Joe Aldrich to recommend the approval of this plat to the County Commission. Second by Gene Anderson. M/C All were ayes.

A Plat of Tract A & B of Lot 12 of Sunset Harbor Addition in government Lot 5 in Section 22-106-52 Lakeview Township was presented to the Planning Commission. This plat is located in the "LP-1" District. They are subdividing a previously platted lot for twin home 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 Doug Jerlow. M/C All were ayes.

CONDITIONAL USE #17-14

Owner/Applicant: Russell & Michelle Palmer

Property Description: Lot 21 Nordstrom's Addition in Gvt Lot 3 & in the SW ¼ of the SW ¼ of Section 25 & in Gvt Lot 1 & the NW ¼ of the NW ¼ of Section 36, 106-52, Lakeview Township

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

Request: The applicant would like to build an unattached garage with sidewalls greater than 12 feet and dimensions greater than 1,200 sq/ft.

History/Issue(s):

1. He is requesting to build a 42'x98'x14' garage on his property located off of Lake Madison.
 - a. Garage to include storage for his own personal use. This is a non-living dwelling but will be heated in the rear portion and have a bathroom and small finished area for the utility room. It has the potential for future living quarters if the next owners were to choose to complete the space. (Would meet residential setbacks)
 - b. 4,116 sq/ft.
2. Lake County Ordinance requires that a land owner go through the Conditional Use Process to build an unattached garage taller than 12 feet and greater than 1,200 sq/ft in the "LP 1" District.
3. He is adjacent to a private road. 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 lot line. He meets all setbacks on this lot.
4. Staff recommendation – Conditional Use – **Oversized Unattached Garage**
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 garages and accessory buildings are allowable as a conditional use in the LP 1 – Lake Park District under certain conditions
- Meets 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.
- There are oversized unattached garages and accessory buildings in the area that are similar, so it would be compatible with other properties in this District
- 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 – Oversized Unattached Garage

Motion by Craig Johannsen to recommend approval to the County Commission BOA of the applicant's Conditional Use request and adopt the findings as outlined in the staff report. Second by Doug Jerlow. M/C All were ayes.

VARIANCE 17-14

Owner/Applicant: East River Electric Power Cooperative, Ron Golden & Dean Feistner – Representative

Property Description: E350' Lot 4 Jensen's Lot "J" & Lot "I" R.D. Jensen's Sub Section 12-106-53, Herman Township

Zoning Description: "CI"- Commercial Industrial District

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

History/Issue(s):

1. The applicant is interested in building a new substation facility and is requesting to build closer to the side yard.
 - a. The new building will contain office space, shop area and vehicle storage.
 - b. Overall building size is 400x100, 40,000 sq/ft (Building size 120x100x28 and 280x100x20)
2. They are requesting to build 20' from the West lot line which requires a 30' side yard variance. Ordinance requires a 50' side yard when adjacent to anything other than residential.
 - a. They would meet all other setbacks.
 - b. With the addition of this newly proposed facility, the buildings do not occupy more than 25% of the lot.
3. They are requesting this variance to provide for adequate room for their large equipment to move easily and safely through the yard. This building will be adjacent to the storage bunks to the East and will allow for trucks to drive safely thru the driving lane between the bunks and this new proposed facility.
4. Lake County Ordinance requires that a landowner go through the variance process if they cannot meet the setbacks.
5. Adjoining landowners and township have been contacted. They have raised no objections to the variance request and their signatures were obtained in approval.
6. Staff recommendation – Variance – **Minimum 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 landowners and township do not object to the variance request
- The reasons set forth justify the granting of the variance
- 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 findings:

- 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 the variance request would confer on the applicant special privilege denied to others in the "CI" District.

Action Item: Variance – Minimum Side Yard Setback

Motion by Doug Jerlow to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the findings as outlined in the staff report. Second by Dale Thompson. M/C All were ayes.

Motion by Gene Anderson to adjure the Planning Commission Meeting. Second by Craig Johannsen. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:12 AM.

Unapproved Minutes

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, Dale Thompson, Joe Aldrich, Don Bickett, Doug Jerlow, Aaron Johnson, Gene Anderson and Mandi Anderson were all present.

AGENDA/ADDITIONS:

None.

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

MINUTES/CORRECTIONS:

Motion by Aaron Johnson to approve November 8th minutes sent to them by mail. Second by Craig Johannsen. M/C All were ayes.

OLD/UNFINISHED BUSINESS:

None

NEW BUSINESS:

A Plat of Tract 1 & Tract 2 of Oines' Addition in the SE ¼ of SW ¼ of Section 36-107-53 in Farmington Township was presented to the Planning Commission. This plat is located in the "A" District. Tract 1 they are dividing the existed farmstead away from the adjacent farmland. Tract 2 they are dividing off land from farmland for residential development. Access easement to the very West side running North and South to access the farmland to the North. 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.

Conditional Use #17-15

Owner/Applicant: Michael & Erin Prins (Rutland Veterinary Clinic)

Property Description: Lot 4 Co Aud Sub W ½ Sec 9 & Lots 5-6 Ex S66' Lot 6 Co Aud Sub W ½ Sec 9 & Rail Road Land adjacent to Lots 4-5-6, 107-51, Rutland Township

Zoning Description: "TD" Town District

Request: Requesting a permit for a Retail and Service business to include a Veterinary Clinic

History/Issue(s):

1. They are requesting to convert the current retail and service business known as the "Rambler Stop" to a Veterinary Clinic but continue stocking some convenience store type items and sell fuel as well.
 - a. The Prins' purchased this property with the intentions of having a Vet Clinic closer to many of their clients, whom were requesting it.
 - b. This is a desirable location for them as they live just a mile and ½ away.
 - c. They both work as vets at the Flandreau Clinic, which they own, and will split their time between the two facilities once this vet clinic is up and going.
 - d. They are planning to provide veterinary care and supplies to both small and large animal. Also, to provide some convenience store type items such as pop, candy and prepackaged foods as well as gasoline and diesel fuel.
 - e. The land adjacent to the south will be used as the large animal facility. The shelter that is currently there will be enclosed and constructed. The pen fencing will be oil well pipe permanently anchored in the ground.
2. The property description is to include the current Rambler Stop property, the lot to the south and also the land adjacent to the west that they are in the process of buying from the Rail Road.
3. Lake County Ordinance requires a landowner to go thru the conditional use process in the "TD" District.
4. They may in the future add a small, non-illuminated on-premise sign that conforms to our current Ordinance.
5. This is a commercial use property and no residential use may exist on the location.

6. No traffic shall be generated than what wouldn't normally be expected in a residential town neighborhood. Their business is located off of a Rutland township road. The township has been contacted and they raise no objections to the conditional use request and their signature was obtained.
7. Staff would recommend that if the conditional use be granted that this proposed Retail and Service Business may not be changed to another Retail and Service Business except by the issuance of a separate conditional use permit.
8. Staff recommendation is to grant the Conditional Use – **Retail & Service Business to include a Veterinary Clinic**
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:

- Retail and Service Businesses are allowable as a conditional use in the TD District under certain conditions.
- The township does not object to the Conditional Use request.
- The granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance
- 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:

- None

Action Item: Conditional Use – Retail & Service Business to include a Veterinary Clinic

Motion by Dale Thompson to recommend approval to the County Commission BOA of the applicant's Conditional Use request and adopt the findings as outlined in the staff report. Second by Gene Anderson. M/C All were ayes.

VARIANCE 17-15

Owner/Applicant: Daniel and Sara Wardner

Property Description: Lot 12 of Tract A Mader's 12th Addition Sec 4-106-53, Herman Township

Zoning Description: "PD"- Planned Development

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 an unattached accessory building in the Northeast corner of his lot and is requesting to build closer to the side and rear yard lot line.
 - a. Detached 3 stall garage 36x30 (1,080 sq/ft)
2. Lake County Ordinance requires that a land owner go through the Variance Process if they cannot meet the setbacks.
3. The side yard variance request is for 13', as the proposed structure will sit 17' from the east side yard. The rear yard variance request is for 33', as the proposed structure will sit 17' from the rear yard lot line to the north.
4. This is a "PD" Planned Development District that has kept the setbacks of the "A" District that it once was. Lake County Ordinance requires that all structures have a minimum side yard setback of 30' from each side yard lot line and 50' from the rear yard in the "A".
5. Adjoining neighbors have been contacted. They have raised no objections to the Variance request. Their signatures were obtained.
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:

- Accessory Building are compatible with adjacent properties and other properties in this "PD"; the variance would not be injurious to the neighborhood or detrimental to the public welfare
- The adjoining landowners 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
- 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:

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

Action Item: Variance – Minimum Side and Rear Yard Setback

Motion by Aaron Johnson to recommend approval to the County Commission BOA of the applicant's Variance request and adopt the findings as outlined in the staff report. Second by Doug Jerlow. M/C All were ayes.

Motion by Gene Anderson to adjure the Planning Commission Meeting. Second by Craig Johannsen. Chair Don Bickett adjourned the Planning Commission meeting at the hour of 8:22 AM.