

**Official Minutes of the Board of Adjustment  
Law Enforcement Center  
March 9, 2020**

Approved as submitted  
6/8/2020

The Lake County Board of Adjustment sat in session on this date in the Law Enforcement Center.

**Members present:** Jon Fogelberg, Ron Brodigan, and Mike Hoops

**Members Absent:** None

**Planning and Zoning staff present:** Christine McCarthy (Environmental Services Director), Neva Maxwell (Land Use Specialist), Jill Paron (Environmental Services Specialist)

Chair Jon Fogelberg opened the meeting at 5:00 p.m. and explained the hearing process.

The first hearing, **V-20-001**, was a variance application filed by **ACRE Development, LLC**, which if approved, would allow relief from the road setback requirement for an existing structure for the purpose of re-routing a proposed platted road (Section 6.01) on property described as: Part of NW ¼ of NW ¼, described as parcels 3 & 4 in doc. No. A000177384, Section 11, Township 52, Range 11, 10.48 acres, zoned R-4/Residential-District, two-acre minimum, Unorganized Territory #2. PID: 25-5211-11310

Dustin Schmaltz, JPJ Engineering, represented the application. He explained that Krysten Foster, Lake County Highway Engineer, will not approve the existing road [where it intersects with Old North Shore Rd.]. He stated they will have to re-route the road to create a 4-way intersection. The curve cannot be any tighter than a 20 mile/hour curve as it becomes a safety issue. The structure setback is supposed to be 63' from centerline of a platted road, the existing house will now be 41' from the centerline.

McCarthy read the legal requirements and gave the staff report. There were no items of correspondence. McCarthy explained the need to re-route the road came about as part of the platting process road requirements.

When the new route was created it showed the need for the variance. She stated the location of the septic system and well were identified and won't be effected with this new route. She also said that Barb Ankrum of ACRE Development said the cost to move the utilities would be "astronomical". McCarthy stated she doesn't know what the cost will be, but there isn't any other option for the road.

Maxwell stated this road requirement is a condition of approval for the plat. The road either needs to create a 4-way intersection or be located more than 125' from the existing intersect [Stanley Rd. and Old North Shore Rd.]. She explained these requirements, including the curve radius are all for public safety.

There was no one in the audience. The Board discussed the history of the road. McCarthy explained that there was a different highway engineer when the original plat was approved. McCarthy explained the 2017 correspondence from Krysten Foster that referred to not approving an "after-the-fact variance" for the road was related to the original preliminary plat [North Shore Homes]. McCarthy has since revoked [North Shore Homes], as the date to apply for final plat had expired. As part of the new preliminary plat process, Krysten Foster has said she would not certify a "deviation from the road standards" for the intersection. That is what has led to the need for a variance.

Motion by Hoops supported by Brodigan to approve the variance request as submitted.

The test questions were applied with the following findings:

**Findings:**

- 1. Is the variance in harmony with the general purposes and the intent of the official control and consistent with the Comprehensive Plan?** Yes; The re-routing of the road entrance is necessary to meet the road

requirements of the Subdivision Ordinance. The changes to the road are for public safety.

**2. Is the owner proposing to use the property in a reasonable manner not permitted by the official control?**

Yes; they are requesting the variance so they can meet the requirements of the road requirements of the Subdivision Ordinance and according to the recommendations of the Highway Engineer.

**3. Is the practical difficulty due to circumstances unique to the property?**

Yes; the curve radius of the road is required for public safety, and there is no where else to reroute the road.

**4. Is the need for the variance created by actions other than the landowners or prior landowners?**

Yes; when this road was originally constructed, the intersection with Old North Shore Rd. was allowed. The platting process requires the change.

**5. Will the issuance of the variance maintain the essential character of the locality?**

Yes; other roads are in the locality.

**6. Does the practical difficulty involve more that economic considerations?**

Yes; there is no where else to re-route the road.

Respectfully submitted,

Jill Paron  
Environmental Services Specialist

The motion passed by unanimous vote.

Motion by Hoops supported by Brodigan to approve the October 14, 2019 minutes as submitted. Motion passed by unanimous vote

There being no further business, motion to adjourn the meeting made by Hoops supported by Brodigan. Motion passed by unanimous vote. Meeting adjourned at 5:20 p.m.