

Town of La Pointe
Zoning Board of Appeals Meeting Minutes
Thursday, October 13, 2011
3:30 PM

Board of Appeals Members Present: Joe Crawford, Chair, Paul Brummer, Warren Anderson, Bob Kron (alternate) (4).

Board of Appeals Members absent: Tom Nelson, William Tibble (2).

Public Present: none.

Town Staff Members Present: Margaretta Kusch, ZBOA Secretary (1).

I. Call to Order/Roll Call

Chair Crawford calls the meeting to order at 3:30 pm at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Approval of Previous Meeting Minutes

- June 10, 2010 BOA Meeting Minutes

On page 3, eighth paragraph, change final two words from "*Greg Nelson*" to "*Tom and Marcy Woods.*"

On page 3, add a new eleventh paragraph to read "*P. Brummer said he was unsure if there was a conflict, and didn't make the decision to abstain until at the meeting where the decision was voted upon. To avoid this in the future he suggests that one or both alternates attend the public hearing instead of being dismissed by the chair. He doesn't feel that he did anything wrong by abstaining; if he was unable to attend the decision meeting due to a medical emergency it wouldn't have changed the outcome.*"

P. Brummer moves to approve the June 10, 2010 Board of Appeals minutes as amended. W. Anderson seconds. All in favor 4 aye. Motion carries.

III. Discuss and possibly decide Woods, Thomas and Marcy variance application.

This property is identified as:

Parcel #014-00408-0100
908 Nebraska Row
La Pointe, WI, 54850
PART OF LOTS 4, 8, & 9 BLK 17 VILLAGE OF LA POINTE
Property Owner: Thomas and Marcy Woods

P. Brummer states that he is going to abstain from voting as he has a conflict of interest.

Chair Crawford reviews the basic history of the property. Building was initially done without any permits submitted. When permits were submitted, the application was denied as parts of the construction had been built in setbacks. The Woods appealed the Town Plan Commission's decision to the Board of Appeals in 2010. During those hearings, new, mitigating information was presented to the Board of Appeals by the Woods' contractor. Based on this information, the Board of Appeals remanded the application back to the Town Plan Commission for a second look. The Town Plan Commission denied the permit again. Now the matter is before the Board of Appeals again, as a variance appeal. Chair Crawford reminds the Board members that the Woods' are requesting a variance *despite* the violations. They are not objecting to any of the Town Plan Commission's decisions.

The main issues are that both the chimney and a section of the deck intrude into setbacks, per the Town Plan Commission decision. There is a proposed "privacy fence," not yet built, that would also intrude into the setback. Tom and Marcy Woods have claimed that these violations were built without their knowledge.

B. Kron reads aloud a written statement of his opinion on the variance application. This statement is attached to the minutes and is part of the permanent record. In his statement, he reviews the history and the setbacks of the lot. He states that none of the alterations at the property over the last thirty years have been opposed by the Zoning Office or any neighbors.

He further states that he doesn't feel there are any violations to the setbacks for the chimney/fireplace, deck, or "privacy wall." As he sees it, the "privacy wall" is not a load-bearing wall, the fireplace/chimney is not considered a structure by UDC, and there is no enclosed structure/roof being built which would encroach upon setbacks.

Chair Crawford reiterates that the Board of Appeals is only reviewing the variance application, not passing judgment on the facts of the case. B. Kron replies that he understands that, he just wanted to state for the record his opinions based on his research into the case.

W. Anderson states that he doesn't feel personal opinions about the case matter at this point. He does state that he thinks contractors working on the island should be bonded to avoid issues like this coming up again.

W. Anderson moves to grant the variance to the violations found by the Town Plan Commission. B. Kron seconds. All in favor, 2 aye (B.K., W. A.), 1 nay (J. C), 1 abstain (P.B). Motion carries.

IV. Schedule Future Meetings

V. Adjourn

B. Kron moves to adjourn. W. Anderson seconds. All in favor, 4 aye. Motion carries. Meeting ends at 3:50 pm.

Draft Zoning Board of Appeals Minutes respectfully submitted by ZBOA Secretary, Margaretta Kusch on Monday, October 17, 2011.

Zoning Board of Appeals approved as submitted by ZBOA Secretary, Margaretta Kusch on Thursday, October 04, 2012.