

**Town of La Pointe Zoning
Town Plan Commission Regular Monthly Meeting Minutes
October 20, 2010**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen, Ron Madich, Greg Thury, Carey Baxter (6).

Town Plan Commission Members Absent: Suellen Soucek (1).

Public Present: Paul Brummer, Lois Carlson, Steve McHugh, Michael Childers, Jim Kasperson, Dave Hackett, Linda Fuller, Cathy Dugan (8).

Town Staff Members Present: Jennifer Croonborg-Murphy, ZA, Margaretta Kusch, ZCA (2).

I. Call to Order/Roll Call

Chair Pallas called the meeting to order at 4:30 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

Dave Hackett asks what would happen according to the new ordinance draft in the following scenario: a property owner has a dwelling on their property and wants to build a new, larger dwelling and use the older dwelling as a guest house.

J. Croonborg-Murphy answers that the property owner would have to get a change of use and the new building would have to meet size limitations. A land use permit would be required.

C. Brummer clarifies that the new ordinance draft requires that in the case of a lot with an accessory dwelling and a principal dwelling, the accessory dwelling mustn't exceed 65% of the principal dwelling's square footage, or 1,500 square feet, whichever is lesser.

Chair Pallas reminds the audience that the ordinance draft has not been passed yet.

Mr. Hackett asks if the property owner could subdivide. Chair Pallas answers yes.

Michael Childers wonders if this requirement would create an incentive for people to tear down buildings.

Chair Pallas responds that the purpose is to avoid overlarge buildings being built, or a situation with a 5,000 square foot house and a 4,000 square foot "guest house" on one property.

C. Brummer responds that the requirement is a compromise between the opinion of some that there should only be one dwelling per property and the opinion of others that guest houses should be allowed. It is also an attempt to avoid double density, to consider adjoining neighbors (having double density on a lot could increase the property taxes of the neighboring properties).

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Special Monthly Meeting, October 6, 2010

The Zoning Administrator asks that section V.a Consideration and/or Action of Permit Applications, Huber, Paul & Dolores, be rewritten to include more detail, as this permit may come

before the Board of Appeals. In addition to the general rewriting, the following changes are to be made:

- In first paragraph, replace “*golf course property line*” with “*rear property line, which adjoins the golf course.*”
- In second paragraph, first sentence, replace “*was*” with “*may have been.*”
- In second paragraph, first sentence, replace “*of a notice that a variance was approved then to the permit application*” with “*of a Public Hearing agenda concerning the variance.*”
- In second paragraph, second sentence; replace “*it*” with “*a decision for the variance.*”
- In third paragraph, replace “*if a variance can be expanded*” with “*if it can be expanded without another variance (assuming a variance was previously granted).*”
- In fourth paragraph, add “*with a land use permit*” to the end of the first sentence.
- In fourth paragraph, add “*where it appears the addition would meet setbacks*” to the end of the second sentence.

L. Whalen moves to postpone reviewing the minutes until the next meeting. G. Thury seconds. All in favor, 6 aye. Motion Carries.

IV. Zoning Administrator’s Report

The Zoning Administrator reports that although permits have dropped off this year significantly, more permits have been submitted in the last two days than in the previous month.

V. Consideration of Permit Applications

- a. **Hartzell, Robert RE: After the fact Certified Survey Map for the division of parcel #014-00206-0200 at easterly corner of Penny Lane & Mondamin Trail.**

No new documentation has been submitted for review at this time.

- b. **Hartzell, Robert RE: Certified Survey Map for reconfiguration of lots within Hartzell subdivision combine 4 parcels into 2 at westerly corner of Penny Lane & Mondamin Trail.**

No new documentation has been submitted for review at this time.

G. Thury makes a motion to move item VII.b up to before item VI on the agenda. L. Whalen seconds. All in favor, 6 aye. Motion Carries.

VI. Old Business

- a. **Cherry-Noha, Jackie RE: letter requesting Ordinance interpretation: how does the new Town Road, Miller Farm, affect her parcel #014-00202-0600?**

The Zoning Administrator set up an appointment with the County Surveyor, the Register of Deeds, and the Land Description office, but only the County Surveyor, Dave Carlson showed up to the meeting. Mr. Carlson doesn’t think that Miller Farm Road subdivides Jackie’s property (i.e. Jackie owns the land underneath the road, the County just has an easement). According to the La Pointe Zoning Ordinance, it will be a legal non-conforming lot of record. She still needs to meet setbacks to the right of way.

VII. New Business

- a. **Zoning Ordinance Revision Project**

1. **Attorney Fauerbach letter dated October 13, 2010 re: Town Plan Commission and public notices**

Town of La Pointe Zoning
Town Plan Commission Minutes
Regular Monthly Meeting
~October 20, 2010

Mr. Fauerbach recommends that all sections and subsections changed in the ordinance be listed in the notice (i.e., 3.1, 3.2, 3.3 etc), *not* just to say “Sections 1-16.”

2. Per directive of Town Board on 10-12-10, Schedule Public Hearing for proposed amendments to Zoning Ordinance as recommended by Town Plan Commission 10-6-10

The Public Hearing must be properly posted and all property owners within 300 feet of a proposed zoning change must be notified.

The Zoning Administrator suggests that it would be easier to just send a notice of the Public Hearing to all property owners on the island, rather than try to determine who *wouldn't* need a notification.

Chair Pallas moves to schedule the Public Hearing for Wednesday, December 1, 2010. G. Thury seconds. All in favor, 6 aye. Motion Carries.

b. Bell Street Galleries re: Proposal for off premise covered walkway and sign, (7) artist studios/classrooms, bathrooms at parcel 014-00436-0400, 807 Bell Street

Mr. McHugh has submitted an application with preliminary designs for eight moveable sheds to be placed on the property to house the studio space of multiple artists/craftspeople, connected by a boardwalk. The boardwalk would extend to Main St. between Grampa Tony's and the Island Store/Bob Kron's office, and there would be a sign directing people to the Bell St. Gallery at the Main St. entrance of the boardwalk. Mr. McHugh states that he has a 60' x 60' lot.

The Zoning Administrator reports that the application has been re-submitted and the structures now meet setbacks. Jim Price from UDC has emailed the Zoning Administrator stating that he has “concerns” but doesn't elaborate as to what those concerns are, so the Zoning Administrator feels that the Town Plan Commission should look at the application in terms of Town requirements only.

The Zoning Administrator wants to know what the use will be called. If the individual buildings will be “classrooms” or “retail trade facilities,” as the current ordinance doesn't list “educational facility” as a permitted or conditional use in the Commercial District (the proposed draft ordinance does). Would a Conditional Use Permit be required? She also asks if this boardwalk would be covered (if so, it would be considered a structure, and requirements would need to be met).

Chair Pallas states that a Conditional Use Permit would be required if these structures are called classrooms.

C. Brummer is concerned about parking. If there are 8 units, will all those artists need parking spaces in addition to visitors to the Bell St. Gallery? C. Brummer also feels that the proposed sign on Main St. directing people to the Gallery wouldn't be permissible, as per Ordinance.

C. Baxter wants to know if there will be space between each building. He also feels that businesses should be petitioning the Town to create more directional signs. He would need to see more accurate drawings of the project before passing judgment of any kind.

Chair Pallas states that, as regards the boardwalk, the other property owners would have to apply for it, as the boardwalk would be on their land, not Mr. McHugh's. He also states that Mr. McHugh should not call these things classrooms, unless he wants to apply for a Conditional Use Permit.

Mr. McHugh's responses:

- After the Zoning Administrator told him to contact the county, he spoke to Theresa Black, who said that they are concerned with people eating or sleeping in the structures, and that each building needs to be handicapped accessible and have two doors. If the "school" exceeds 50,000 cubic feet it would need to be designed by a state architect.
- He would be getting these pre-fabricated in Ashland, and they would not exceed 50,000 cubic feet, and that all eight structures will be handicapped accessible and have two doors.
- Jim Price wasn't more specific because he wanted to see better drawings/architectural plans for the project.
- The boardwalk would be covered with tent fabric.
- There will be more space between the structures than is shown in the current illustrations.
- He asks if a lot's setback area can be used for parking (the Zoning Administrator responds that yes it can).
- He states that he's talked to Grampa Tony's, the Island Store, and Bob Kron, and they are all fine with a boardwalk coming between the two buildings.

R. Madich feels the plan would be a marvelous addition to La Pointe.

Mr. McHugh will re-apply at a later date.

G. Thury moves to resume agenda as posted at item VI. R. Madich seconds. All in favor, 6 aye. Motion Carries.

VIII. Future Agenda Items

IX. Schedule of Next Meeting

X. Adjournment

C. Baxter moves to adjourn. G. Thury seconds. All in favor, 6 aye. Motion Carries. Meeting ends at 5:45 pm.

Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA, Thursday, October 28, 2010.

Town Plan Commission minutes are approved as amended by Margaretta Kusch, ZCA on Wednesday, November 03, 2010.