

**Town of La Pointe Zoning
Town Plan Commission Regular Monthly Meeting Minutes
Wednesday, November 18, 2009**

Town Plan Commission (TPC) Members Present: Ted Pallas; Chair, Charles Brummer; Vice-Chair, Larry Whalen, Greg Thury (arrives at 5:10), Suellen Soucek, (5)

Town Plan Commission Members Absent: R. Madich C. Baxter (2)

Public Present: Paul Brummer, Michael Childers, Gene Nelson (arrives at 5:10 pm) (3)

Town Staff Members Present: Jennifer Croonborg; ZA, Margaretta Kusch; ZCA (2)

I. Call to Order/Roll Call

Chair, T. Pallas called the meeting to order at 5 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

None.

III. Approval of Previous Meeting Minutes:

a. Town Plan Commission Special Monthly Meeting, November 11, 2009

In V. b., third sentence, change "S-1" to "Shoreland Zone served by municipal sewer."

In V. c., second sentence, change "proper" to "property."

Decision to require more detailed minutes for V. d., as those minutes will be used for decision making during appeals process. Consensus that second draft of 11/11/09 minutes needed. L. Whalen moves to have the minutes postponed till the next meeting. G. Thury seconds. All in favor, 5 aye. Motion carries.

IV. Zoning Administrator's Report

None.

V. Consideration and/or Action of Permit Applications:

a. Coffin, John RE: CSM to divide 10.2 acres from 58.74-acre parcel #014-00315-0100 at Amundsen Ln.

Amended CSM has not been received from surveyors yet.

b. Winston, Frederick RE: CSM to divide 15-acre parcel #014-00009-1500 at 131 Old Fort Rd.

Amended CSM has not been received from surveyors yet.

c. Hanson, Jim and Renee Larson RE: 3419 Big Bay Rd #014-00023-0500

ZA spoke to Mr. Hanson and Ms. Larson for some time and got a description of the project. The old permit application had been for winterization. This application is not necessarily for winterization but because the foundation is failing. They resubmitted their application and fees with the new information about failure and that it is a maintenance and repair issue, not extending the non-conforming use. The issue is that it's 19 ft. from the high water mark and what they'd like to do is put a perimeter foundation under the house rather than having it up on blocks. According to Larry Hildebrandt, the county allows unlimited maintenance and repair of that type of non-conforming structure. Per this information, the ZA will be issuing

the county permit shortly, and the town permit would be conditional upon a soil erosion control plan.

Gene Nelson asks if a permit is required for maintenance and repair. Chair Pallas, J.

Croonborg, ZA answer yes, for this specific permit.

Chair Pallas states that if they get the alteration permit they're set. Consensus that this is the right thing to do.

d. Town of La Pointe RE CSM at intersection of Main St., Mondamin Tr., and Old Fort Rd.

The ZA has spoken to Keith Sowl and discussed the ongoing issues regarding these CSMs.

The CSM is to record the fact that the outlot in corner being used by the town is being deeded to town by the Madeline Island Yacht Club and the storm sewer easement the town will be maintaining. G. Thury moves that we recommend for approval the Town of La Pointe CSM of Main St., Mondamin Tr., and Old Fort Rd. as submitted. S. Soucek seconds. All in favor, 5 aye. Motion Carries.

e. Town of La Pointe, Robert Hartzell, & the Madeline Island Yacht Club RE: CSM Main St between blocks 42 and 43.

This has been an ongoing issue because the Town of La Pointe is liable for accidents happening when people are filling up at the gas pumps, and there's a parking issue. Outlot 1 is currently the Madeline Island Yacht Club's, and it's going to be deeded to the Town.

Outlot 2 is currently Main Street, which is the Town's, and it's going to be Mr. Hartzell's.

Outlot 3 that's currently the Town's and Mr. Hartzell's, because it's partly Mr. Hartzell's property and partly Main Street and it's going to be the Madeline Island Yacht Club's so that they can gain function of their gas pumps. It's a lot of switching of property in order to vacate Main Street. This is in compliance with agreements made between the three parties and it is required to be approved before deed transfers can be made. C. Brummer moves to recommend to the Town Board the approval of the CSM of Town of La Pointe, Robert Hartzell, and the Madeline Island Yacht Club as submitted. G. Thury seconds. All in favor, 5 aye. Motion Carries.

VI. Old Business

G. Thury moves to move item 6.b to before item 6.a in Old Business. S. Soucek seconds. All in favor, 5 aye. Motion carries.

a. Zoning Ordinance Revision Project

Review and possibly revise 4.3.3 Non-Conforming Grandfathered Lots

Chair Pallas spoke to Mike Fauerbach, who said that he would gladly draft the text for this section but that he was waiting till the TPC approves the minutes. Chair Pallas will speak again to Mr. Fauerbach and let him know the situation regarding the second draft of the November 11 minutes, and assumes that Mr. Fauerbach will begin working on the draft. Mr. Fauerbach also mentioned that other places that do Special Permits charge fees at the same cost as a variance, which is something for the TPC to think about.

Review and possibly revise 8.4.2 Conditional Uses

J. Croonborg, ZA states that Mr. Fauerbach's opinion was that the Board of Appeals to be the appeal to a Town Board decision, but that process conflicts with the Zoning Board Handbook. She would like clarification as to who reviews an appeal to a TPC decision on conditional use. The Zoning Board Handbook recommends a judicial appeal if CUP decided by Board of Appeals or governing body. The TPC needs to figure this out before changing the ordinance.

In 8.4.2.2G, change final sentence “ The Zoning Administrator shall forward the complete file to the Town Board of Supervisors” to read “***The Zoning Administrator shall forward a copy of all records associated with a recommendation to the Town Board of Supervisors.***”

In 8.4.2.2G, delete “***and the Town Board Supervisors***” from the first sentence.

J. Croonborg, ZA states that the TPC still needs to look at the language in 8.4.2.2I when we’re having the Town Clerk causing the document to be recorded.

In 8.4.2.2J, the term “substantial construction” and the meaning of the phrase “commence substantial construction” need to be defined. Will be revisited when Definitions section is looked at.

In 8.4.2.2N (which is being moved to Section 14.0: Validity), add the phrase “or has not been issued a permit where a permit may be requires” to the first sentence, to read “***Any person who reasonably believes that a person or entity owning, using, or occupying real property in the Town is, by act of omission, violating a land use or conditional use permit or has not been issued a permit where a permit may be required, may file a written complaint with the Town Zoning Administrator.***”

In 8.4.2.2N, add another Roman numeral point to read “**ii. Forward to the Town Plan Commission for Ordinance Interpretation.**”

Review and possibly revise 10.0 Zoning Board of Appeals

Not discussed.

- b. Nelson, Gene RE: project at 197 Big Bay Rd LP#014-00470-0500, structural alteration.** Mr. Nelson states that he originally didn’t plan on doing anything to the foundation, he was just going to level it off and repair the rotting wooden floor, but it was in worse shape than he thought. Now Mr. Nelson plans to put in a new basement and foundation and understands that he’s now going to need an alteration permit. Chair Pallas asks how long it will take to get a permit together, because it will be hard for the TPC to waive fees. Mr. Nelson states that he has no plans on working on the structure besides stabilizing it till next year. He states that the buildings are boarded up, and is planning on tearing down the icehouse on property. Chair Pallas says that he is willing to issue a permit when work is ready to start and as long as it is boarded up in the meantime, but if any work is done in meantime, Mr. Nelson will be looking at double fees. Discussion ensues regarding maintenance and repair of a structure versus alteration of a structure. C. Brummer states that when the TPC is working on the Zoning Ordinance Revision Project they have to be crystal clear as to what are maintenance, repair, and alteration of structures. Chair Pallas moves that, because the building is boarded up and Gene said he isn’t planning on doing anything over there till December or possibly the first of the year, that once Gene applies and receives an alteration permit for the building, he would

then be able to start construction, not until the permit is done. S. Soucek second. All in favor, 5 aye. Motion carries.

G. Thury moves to resume agenda as it stood before we moved item 6.b before item 6.a. S. Soucek seconds. All in favor, 5 aye. Motion Carries.

VII. New Business

VIII. Future Agenda Items

Zoning Ordinance Revision Project

- Section 4.4.3 Non-Conforming Grandfathered Lots
- Section 10.0 Zoning Board of Appeals

IX. Schedule of Next Meeting

Next special monthly meeting will be Wednesday December 2, 2009 at 5pm.

X. Adjournment

L. Whalen moves to adjourn. G. Thury seconds. All in favor, 5 aye. Motion Carries.
Meeting ends 6:04 PM.

Draft Town Plan Commission Minutes respectfully submitted by **Margaretta Kusch, ZCA**, on Friday, November 20, 2009.

Town Plan Commission minutes approved as amended by Margaretta Kusch; ZCA on Wednesday December 2, 2009.