

**Town of La Pointe Zoning
Town Plan Commission Regular Monthly Meeting Minutes
December 12, 2012**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen, Greg Thury, Joan Martin, Suellen Soucek, Carey Baxter (7).

Town Plan Commission members absent: none.

Public Present: Mike Starck, Paul Brummer, Dave Thomas (3).

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

I. Call to Order/Roll Call

Chair Pallas called the Meeting to order at 4:00 PM at the La Pointe 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 Regular Monthly Meeting, November 20, 2012.

- In item VI, third bullet point, fourth paragraph, change “*that*” to “*than*.”

G. Thury moves to approve the Town Plan Commission Regular Monthly Meeting minutes as amended. S. Soucek seconds. All in favor, 6 aye, 2 abstain (Chair Pallas, C. Baxter). Motion carries.

b. Town Board/Town Plan Commission Joint Public Hearing, December 7, 2012.

- Change footer date from “*Dec. 12*” to “*Dec. 7*.”
- In item II, second paragraph, first sentence, change “*as-yet built*” to “*as-of-yet unbuilt*.”
- In item II, eighth paragraph, change “*12’ x 12’*” to “*3’ x 4’*.”
- In item II, fifteenth paragraph, change sentence from “*C. Baxter feels that issues people have about amendment to Conditional Use Permits becomes complaint driven*” to “*C. Baxter responds to D. Thomas’s question. He feels that, in a situation where a Conditional Use Permit is amended multiple times, regulation is complaint-driven*.”
- In item II, eighteenth paragraph, change “*abode*” to “*abide*.”

G. Thury moves to approve the Town Board/Town Plan Commission Joint Public Hearing minutes of December 7, 2012, as amended. S. Soucek seconds. All in favor, 7 aye. Motion carries.

IV. Zoning Administrator’s Report

On file.

IV. Consideration and/or Action of Permit Applications

- **Craftivity, Inc. Land Disturbing Activity permit application @ 978 Middle Rd., LP #014-00178-0200.**

The Zoning Administrator requested that this agenda item be postponed.

G. Thury moves to postpone action on the Craftivity Land Disturbing Activity permit until the next meeting. S. Soucek seconds. All in favor, 7 aye. Motion carries.

V. New Business

- **Consider comment from December 7, 2012 Public Hearing and make recommendation to Town Board re: Hawkeye Investments, LLC./JH Property Trust application for a Cup to operate a home occupation in the S-1 Zone @ 1230 Big Bay Rd., LP #014-00136-0100.**

Chair Pallas states that the recommendation to the Town Board on this matter must be made with consideration of the 13 conditions of approval listed in Section 7 of the Zoning Ordinance.

He then outlines the requirements he would have in order to make a recommendation that the Conditional Use Permit be granted:

- The structure couldn't be used for human habitation and or be rented out.
- There could be no more traffic than is allowed for permitted uses in the S-1 district.
- There could be no signs can be in the setback or right-of-way.
- There could be no further expansion of the Conditional Use Permit.
- Any and all required commercial permits must be obtained.

S. Soucek agrees with Chair Pallas's requirements.

C. Baxter also agrees. He doesn't think density would be an issue unless the owners were to use the garage/Home Occupation structure as a rental unit.

Chair Pallas responds that if that occurred, it would be grounds to revoke the Conditional Use Permit. It would have to be dealt with if it came about.

L. Whalen questions what would happen should the property owner wish to hire an employee(s). Chair Pallas responds that they would have to follow the Zoning Ordinance guidelines.

The Town Plan Commission agrees that the inclusion of a shower in the building plans for the garage give some cause for concern over the potential to use the space as a rental unit, but that a shower is not something they can regulate.

Chair Pallas moves to recommend approval of the Conditional Use Permit to Hawkeye Investments, which would be Vivian Dixon and John Chapple, at 1230 Big Bay Road, LP #014-00136-0100, with the following conditions: 1. The structure being built/used as an office is not for habitation and therefore can never be rented out. 2. That there be no more traffic than allowed in any permitted use in the S-1 District. 3. If signage is needed it must meet the required setbacks. 4. There may be no further expansion of this Conditional Use. 5. The holder must obtain any and all necessary commercial permits. 6. The applicant must conform with the Home Occupation portion of the current Ordinance. S. Soucek seconds. All in favor, 7 aye. Motion carries.

Chair Pallas states that the record should show that the vote was unanimous. He then states that he took into consideration all 13 standards of approval from the Zoning Ordinance, and feels that if the Home Occupation is run the way it has been proposed in the application, it should be compatible with the neighborhood and district.

C. Brummer states that he also considered all 13 standards of approval and that he saw no red flags in the application. He has no cause for concern so long as it is never used as a rental property.

L. Whalen states that he voted aye as he sees this Home Occupation as an activity with almost zero footprint in terms of effecting the neighborhood and district (so long as it doesn't become a rental property).

C. Baxter states that he took into consideration all 13 standards of approval from the Zoning Ordinance with his vote. He further states that his main concern was with the concerns of the neighboring property owner, but he thinks that the Town Plan Commission recommendation met her concerns. He feels the Home Occupation would be compatible with the Comprehensive Plan. He feels the owners are being above board with their project, as long as no human habitation occurs.

G. Thury feels that the permitting process for the garage covered all of the 13 standards of approval except increased traffic, but that that issue was covered in the motion to recommend approval.

J. Martin states that she feels the 13 standards of approval were met. Her only concern was the potential rental of the space, and she feels that issue was covered in the motion.

S. Soucek feels the property owners have done a commendable job in following the process correctly. She feels that the motion covered any concerns she might have had about the Home Occupation.

VI. Old Business

- **Are access stairs and/or ramps considered "structures" that are to be counted in square footage calculations and permit fees.**

Chair Pallas feels that ramps and stairs should be considered part of the square footage calculations and permit fees as they are counted in Uniform Dwelling Code permitting. He calculates that in the past, about 60% of permits issued have included stairs and/or ramps in square footage calculations.

L. Whalen questions how this interpretation would affect wheelchair ramps. Chair Pallas responds that ramps could encroach on setbacks. It's only that they would be included in the total square footage and have to be permitted.

The Town Plan Commission agrees that consideration of stairs and ramps should be consistent, and should be counted in calculations of square footage of structures they are attached to. It is further noted that lake access stairs are a different matter entirely and fall under County jurisdiction.

VIII. Future Agenda Items

- **Craftivity, Inc. Land Disturbing Activity permit application @ 978 Middle Rd., LP #014-00178-0200.**

IX. Schedule Future Meetings

- Next Town Plan Commission Special Monthly Meeting to be held Wednesday, January 2, 2013, at 4:30.

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 4:40 pm.

Town Plan Commission minutes respectfully submitted by Margaretta Kusch, ZCA on Thursday, December 13, 2012.

Town Plan Commission minutes approved as amended on Wednesday, January 02, 2013.

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