

**Town of La Pointe Zoning
Town Plan Commission Regular Monthly Meeting Minutes
December 15, 2010**

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

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

Public Present: Paul Brummer, Michael Brenna, Tony Watts (3).

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

Tony Watts states that he appreciates and approves of the work done by the Town Plan Commission on the Zoning Ordinance Revision Project. Some of the proposed changes would be helpful to his circumstances (enumerated in his letter submitted for the December 1, 2010 Public Hearing and attached to those minutes) at his property on South Shore Road, which he would like to divide someday. Specifically, he feels that if road frontage meets width it should be considered. If a proposed change forever reduces allowable density, it is a good thing. If acreage is substantially increased from what is required, that should be looked upon favorably. Chair Pallas comments that any changes to the Zoning Ordinance won't be happening for quite some time, as meetings have to be held to discuss feedback from the Public Hearings, and there may potentially be more Public Hearings and further feedback in the future.

P. Brummer wishes everyone happy holidays.

L. Whalen states that the Town Plan Commission was not permitted to answer anyone at the Public Hearings. He says that some of the suggestions were quite reasonable, and doesn't feel that there is any need for combativeness. He feels that this Town Plan Commission has been very responsive to public input.

J. Croonborg-Murphy would like to send prayers to Alan Fischlowitz, his family and loved ones.

Michael Brenna states that he and his wife Jane recently moved to the island with the intent of buying the Ryders' property. Due to unforeseen circumstances with the previous owners' bank, they currently have to rent it, but intend on buying the property in July. In the meantime, they would like to rent out the extra rooms in the main house as well as the accessory dwelling. They would like to request a license/permit to rent, to find out what needs to be done in order to get any permits, and to answer any questions.

Chair Pallas states that they will definitely be on the next agenda (January 5th), and that as far as permits go, the fact that the Brennans don't own the property is the only glitch he can see.

The Zoning Administrator states that Jim Ryder has already submitted an agent authorization form for the Brennans, and that any rental permits have to be issued to the property owner. So as long as the Ryders own the house, it would be fine for the Brennans to rent. It would change if the bank became the owner.

Also, the Zoning Administrator would need to know what the Town Plan Commission feels about issuing rental permits to the property as it has violations. She states that the Brennans are aware of the violations, and plan on rectifying them as soon as they take ownership of the property and are able to.

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Regular Monthly Meeting, November 16, 2010

- On page 3, second paragraph, replace *"the us"* with *"the Town Plan Commission."*
- On page 4, item VII.d, rewrite the motion given by Chair Pallas to reflect that a Conditional Use Permit has to be submitted.

G. Thury moves to postpone approval of the Town Plan Commission Regular Monthly Meeting minutes of November 16, 2010, until the next meeting. C. Baxter seconds. All in favor, 6 aye. Motion Carries.

b. Town Plan Commission Public Hearing, December 1, 2010

The Zoning Administrator would like to review the minutes with the secretary to be sure that all letters/emails submitted for the Public Hearing are included in the minutes.

G. Thury moves to postpone approval of the Town Plan Commission Public Hearing minutes of December 1, 2010, until the next meeting. L. Whalen seconds. All in favor, 6 aye. Motion Carries.

c. Town Plan Commission Public Hearing, December 8, 2010

The Zoning Administrator would like to review the minutes with the secretary to be sure that all letters/emails submitted for the Public Hearing are included in the minutes.

L. Whalen moves to postpone approval of the Town Plan Commission Public Hearing minutes of December 8, 2010, until the next meeting. G. Thury seconds. All in favor, 6 aye. Motion Carries.

VI. Zoning Administrator's Report

The Zoning Administrator report was placed on file with the Town Board on December 14, 2010.

V. Consideration and/or Action of Permit Applications

a. Woods, Thomas and Marcy RE: after-the-fact permit for fireplace and wall @ 908 Nebraska Row LP# 014-00408-0100

This has been remanded back to the Town Plan Commission from the Board of Appeals. That Board determined that pertinent information regarding the building project had not been presented when the permit application was originally before the Town Plan Commission last year, and that this information may allow the permit to be approved rather than denied as before.

A new fireplace and knee wall enclosing the deck of the house had been built without permits. These were built within 10 feet of setbacks (as measured from the eaves of the roof). The Town Plan Commission ruled that the fireplace was to be removed and the wall taken down to the point where it met setbacks. At the Board of Appeals hearings, the contractor stated that he had first removed part of the eaves, making the new construction within setbacks. This was the new information that the Board of Appeals found to be pertinent and necessitated a new application to be brought to the Town Plan Commission.

The permit has been submitted with photos of the deck, eaves, and fireplace at different points during construction.

The Town Plan Commission discuss the photos, and is of the opinion that the deck may have been added on to.

C. Brummer suggests that the Town Plan Commission members should go and visit the site in person in order to determine if the deck was indeed expanded.

b. Woods, Thomas and Marcy RE: application for wall atop existing deck @ 908 Nebraska Row LP# 014-00408-0100

See item V.a above.

Chair Pallas moves to postpone items a and b until the next meeting. G. Thury seconds. All in favor, 6 aye. Motion Carries.

c. Hartzell, Robert RE: Multiple Family Dwelling (4-plex) @ LP# 014-00206-1302 Mondamin Trail

There are potential wetlands on this property, as evidenced by cattails and bridges shown on the submitted plot plan. However, with the current snow cover, these can't be measured.

The Zoning Administrator asks the Town Plan Commission what their recommendation would be for handling this type of situation: can approval be postponed until the snow melts? Chair Pallas responds that she should ask what John Spangberg (of the WI-DNR) does and follow that. If Mr. Hartzell has questions about his permits being held up, he should be told that the Town Plan Commission recommended following the DNR.

d. Hartzell, Robert RE: Multiple Family Dwelling (4-plex) @ LP# 014-00206-1303 Mondamin Trail

See item "c" above.

e. Dobson, Jacob & Hailey RE: Single Family Dwelling @ 400 Old Fort Rd 014-00200-3325

The Dobsons have poured a foundation already (before getting permits). The Zoning Administrator and Mr. Dobson measured at the site multiple times, and found that he doesn't meet setbacks. A permit has not been issued therefore, and Mr. Dobson is working on a solution to the problem.

VI. Old Business

Zoning Ordinance Revision Project

a. Discuss public comment from December 1, 2010 and December 8, 2010 Public Hearings

Chair Pallas states that this will be on the next meeting's agenda (on January 5th), so that a meeting can be scheduled to focus entirely on this discussion. The Town Plan Commission concurs that a meeting devoted wholly to the discussion is a much better plan than an agenda item.

The Zoning Administrator elaborates on the next steps for the Zoning Ordinance Revision Project. First, discussion meetings will be held to go over the feedback from the Public Hearings. If enough changes are made to the Ordinance or the Zoning Map based on the feedback, then more Public Hearings will be held. Then feedback from those Public Hearings will be gone over in more meetings, etc. Finally, the Town Plan Commission will recommend the Zoning Ordinance to the Town Board.

Chair Pallas clarifies that this process will take at least a few months.

b. Identify procedure and set tentative schedule for possible changes to draft Zoning Ordinance amendments

See item VI.a above.

VII. New Business

- **Erickson, Evan RE: can 3 small single family dwellings be built on one lot or does each need its own lot?**

The lot Mr. Erickson's thinking of is in R-3. The Zoning Administrator sent him a courtesy letter regarding the matter.

- **Osterbauer, Morris RE: preliminary CSM @ South Shore Dr LP# 014-00292-0500 and South 014-00292-0400**

Mr. Osterbauer owns two lots abutting South Shore Road. They were created back when this area was zoned S-3; one is now partially S-1 and partially W-1. He would like to re-divide the lots in order to create conformity so that one can be sold.

Three potential ways of dividing the property have been submitted. The Town Plan Commission discuss the three proposals, but decide to revisit the preliminary CSM at the next meeting in order to review the matter more thoroughly.

- **Carter, Ross & Charlene: December 6, 2010 email question and Zoning Administrator response RE: construction of single family dwelling near property line of two lots they own**

The Town Plan Commission consensus is that they should just combine the two lots, as the owners have no intention of selling and that way can build where they want.

VIII. Future Agenda Items

IX. Schedule Future Meetings

- The next Town Plan Commission Special Monthly Meeting will be on Wed., January 5, 2011.

P. Brummer suggests that there be no public comment on the agendas of the future meeting(s) to discuss the Zoning Ordinance Revision Project and the feedback from the Public Hearings and Chair Pallas agreed.

X. Adjournment

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

Town Plan Commission draft minutes are respectfully submitted by Margaretta Kusch on Sunday, December 17, 2010.

Town Plan Commission minutes are approved as amended by Margaretta Kusch, ZCA on Wednesday, January 05, 2011.