

**Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting Minutes
April 6, 2011**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen (leaves at 5:50), Carey Baxter, Greg Thury, Suellen Soucek (6).

Town Plan Commission Members Absent: Ron Madich (1).

Public Present: Paul Brummer, Tina Nelson, Steve McHugh (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

Steve McHugh asks what, if any, permits would be required for having a port-a-potty on the Bell Street Gallery property in town. The Zoning Administrator responds that this is a matter under the jurisdiction of the Madeline Sanitary District.

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Public Hearing, March 15 2011

- In item I, change "*Vice-Chair*" to "*acting chair*."
- In item II, second paragraph on page 1, insert "*of Chequamegon Bay Engineering*" after "*John Griffin*."
- In item II, third paragraph on page 1, delete "*out*" from after "*the project began*."
- In item II, third paragraph on page 1, add a final sentence to read "*He presents maps of the proposal for public viewing*."
- In item II, fifth paragraph on page 1, add a final sentence to read "*He feels that the town should sell BBTP to the State Park*."
- In item II, second paragraph on page 2, fourth line, as "*into consideration*" after "*the park*."
- In item II, fifth paragraph on page 2, third line, change "*and*" to "*an*."
- In item II, fourth paragraph on page 3, change "*G. Thury*" to "*Commissioner Thury*."
- In item II, sixth paragraph on page 3, insert "*reviewed*" after "*been*."
- In item II, third paragraph on page 4, insert "*on the application being found complete*" after "*30 days*."

G. Thury moves to approve the Town Plan Commission Public Hearing minutes of March 15, 2011 as amended. C. Baxter seconds. All in favor, 4 aye, 2 abstain (Chair Pallas and S. Soucek). Motion Carries.

b. Town Plan Commission Regular Monthly Meeting, March 16, 2011

The section regarding Craftivity, Inc.'s Land Use Permit applications needs to be clarified.

G. Thury moves to postpone approval of the Town Plan Commission Regular Monthly Meeting minutes of March 16, 2011 until the next meeting. C. Baxter seconds. All in favor, 6 aye. Motion Carries.

c. Town Plan Commission Special Meeting, March 23, 2011

- On page 2, 13th bullet point, change "3.5" to "3.6."
- On page 3, 7th bullet point, delete "from" on fifth line and delete "Wind generators, telecommunication towers, and solar collectors shall conform to state and federal requirements" from lines 6-7.

C. Brummer moves to approve the Town Plan Commission Special Meeting minutes of March 23, 2011, as amended. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

IV. Zoning Administrator's Report

The report will be submitted Friday.

G. Thury moves to amend agenda to move item VII up. S. Soucek seconds.

G. Thury amends his motion to amend the agenda to move item V.d up. S. Soucek seconds All in favor, 6 aye. Motion Carries.

V. Consideration and/or Action of Permit Applications

a. Greg Nelson/Cheryl Allen RE: Division from one parcel to three parcels @ 631 Middle Rd., LP# 014-00195-0300.

The Zoning Administrator reports that all the corrections have been made to the CSM and that the owner's certificate is attached. C. Brummer notes that it still needs to show abandonment of the driveway entrance to County H on lot 2. Chair Pallas agrees that it should be noted somehow that that will happen.

Chair Pallas moves to recommend approval of the CSM for Cheryl Allen/Greg Nelson, LP #014-00195-0300, and have it noted and contingent upon abandoning the existing or original driveway in lot 2, which means both the culvert and no more access. G. Thury seconds. All in favor, 6 aye. Motion Carries.

b. Scott Ives/Stephanie Zuehlke RE: CSM to divide one lot into four lots, @ 723 Miller Farm Rd., LP #014-00196-0100.

Mr. Ives wants to divide the property to sell and has prospective buyers, but the Town requires the signatures of all owners on any permits and Ms. Zuehlke will not respond. Mr. Ives states that she wants to sell the property but will have nothing to do with the Town and the Zoning Administrator affirms that there has been zero contact/response from Ms. Zuehlke about this property. The original CSM application form was approved by the Town Plan Commission with the condition that all owners sign.

Ashland County requires an owners' certificate. There is attorney opinion attached to the application packet because there's potential for a lawsuit either way (either allowing the CSM to be reviewed without the consent of one owner or not viewing the CSM and potentially causing loss of real estate sales).

C. Brummer notes that Attorney Fauerbach wants a letter & email sent to Zuehlke and agrees with his recommendation. Chair Pallas agrees too.

Chair Pallas also notes that if the requirement of the signatures of all landowners on applications is not in the ordinance it needs to be either put in or not required.

C. Baxter is against reviewing the CSM without both signatures. G. Thury agrees that both need to be sought out.

C. Brummer notes apparent errors on the CSM such as the gross and net areas not seeming to add up and states that he would only consider this a preliminary CSM, whether they call it that or not. J. Croonborg-Murphy states that Mr. Ives submitted the fees for a CSM, not a preliminary.

C. Brummer states that the Town Plan Commission should give Ms. Zuehlke 20 days and then get Mr. Ives to submit the application properly.

The Zoning Administrator notes that there was a division application of this property too, where Ms. Zuehlke was the applicant, back when she lived on the island, and it's unclear whether that would trigger a 5 lot subdivision issue.

C. Brummer moves to authorize the Zoning Administrator to send a letter to Stephanie Zuehlke by both first class mail and email advising her of the intention of the Town Plan Commission to proceed with a review of the new CSM despite the lack of her signature on the application within 21 days of the date of the letter proceeded that all other requirements of the ordinance are met and further that she doesn't object to the CSM, contingent upon the Zoning Administrator finding an email address for Stephanie Zuehlke.

C. Brummer amends his motion as follows: he moves to authorize the Zoning Administrator to send a letter to Stephanie Zuehlke by both certified mail and email advising her of the intention of the Town Plan Commission to proceed with a review of the new CSM despite the lack of her signature on the application within 20 days of the date of the letter proceeded that all other requirements of the ordinance are met and further that she doesn't object to the CSM, contingent upon the Zoning Administrator finding an email address for Stephanie Zuehlke. G. Thury seconds.

Discussion: the Zoning Administrator asks that when saying 20 days of receiving the letter can it be according to ordinance requirements for the date the letter was mailed and the letter will received, defined as "filed," so we can have that to go by. C. Brummer responds yes, the count will begin from when the letter is mailed.

All in favor, 6 aye. Motion Carries.

- c. **Hartzell, Robert RE: application to amend the existing Conditional Use Permit for a resort, year-round spa and exercise facility approved July 8, 2008, @ 580 Mondamin Tr., LP #014-00206-0200**
- **Review application for completeness**
 - **Possibly schedule Public Hearing**

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C. Brummer moves to postpone item V.c until the next meeting. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

G. Thury moves to amend the agenda to move item VII.a to before VII.b. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

d. Demorest, Harry RE: addition/alteration of single family dwelling @ 1370 Middle Rd, LP #01400163-0600

The prospective owners want to alter the structure and would like to know if such activity will be permitted before purchasing and the Title company would like to see an endorsement from the Town Plan Commission. There have been issues with lot size discrepancy at this property in terms of the property size decreasing. Those discrepancies are due to the owner originally claiming land that wasn't part of the property and erroneously claiming the land underneath the creek bed.

In terms of Ashland County's opinion, Larry Hildebrandt has stated that he will allow crawl space, as long as a soil erosion plan is in place prior to construction.

C. Brummer would like to see the 1979 CSM because that was the one the judge said to go by in court proceedings about the property. Tina Nelson states that she has only ever gone off the 2007 CSM. C. Baxter states that the history of the property is well documented in the application packet. Chair Pallas also wants to see the 1979 one before making a decision. The Zoning Administrator responds that she will find the 1979 CSM.

Tina Nelson states that she thinks that Mr. Demorest had the property surveyed after the judge's ruling and after he lost some acreage. C. Brummer states that that fact is actually written on the 2007 survey, so it seems like it reflects the 1979 survey and that's enough, in his opinion.

Tina Nelson states that the prospective buyers want current/future permits to be able to be issued despite substandard divisions in the past.

Chair Pallas thinks that if the Town Plan Commission authorize the Zoning Administrator to issue, that would satisfy the Title co.

The Zoning Administrator also questions where the front of the lot is (is it the road or possibly the creek, as that is considered navigable water). C. Brummer responds that County H is the front.

C. Brummer moves to instruct the Zoning Administrator to issue the pending permit and to write letter to the Title Insurance company that based on current evidence, we will not proceed with to any apparent violations to Technical Memorandum #3. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

G. Thury moves to resume the agenda as posted at V.a. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

VI. Old Business

a. Zoning Ordinance Revision Project

Discuss and possibly make changes to draft Zoning Ordinance Sections 1-16 and Zoning Map, dated 10/6/2010 in consideration of public comment received at December 1 and December 8 Public Hearings.

- In section 3.18, delete “*Overlay*” from title.
- In section 4.3.D.1.a, first bullet point, change “*Light Industrial Zones 1 & 2 (LZ-1 & LZ-2)*” to “*Light Industrial Districts 1 & 2 (LI-1 & LI-2)*.”
- In section 4.3.D.1.b, first bullet point, replace “*a slab, crawlspace, or foundation for the single-family dwelling has been installed or is in the process of being installed*” with “*project beginning has commenced*.”
- In section 4.3.D.1.b, third bullet point, replace “*the completion*” with “*occupancy*.”
- “*(Ashland County where applicable) and Land Use for the Town of La Pointe.*”
- In section 4.3.D.2.g, change “*Long-term camping unit*” to “*The long-term camping unit*.”
- In 4.4.B and throughout ordinance where applicable, change “*abutting on a*” to “*abutting a*.”
- In 4.4.D, change “*Ashland Shoreline Amendatory Ordinance*” to “*the Ashland County Shoreline Amendatory Ordinance*.”
- In 5.1, add “*residents and*” before “*tourists*.”
- In 5.3.B.2, delete sixth bullet point.
- In 5.3.B.2, add “*The sign shall be removed upon completion of construction*” to seventh bullet point.
- In 5.4.A.1, add “*when non-illuminated, and if illuminated shall not exceed twenty (20) square feet in area*” to the end of the paragraph.
- In 5.4.A.3, add “*when non-illuminated, and if illuminated shall not exceed twenty (20) square feet in area*” to the end of the paragraph.

(L. Whalen leaves at 5:50 pm)

- In 5.7, third sentence, insert “*and/or location*” after “*the condition*.”
- In 6.1.B.1 and 6.1.B.2, change “*Light Industrial-1 Zone*” to “*LI-1 District*.”
- In 6.1.D.1, first sentence, change “*Town Zoning Ordinance*” to “*this Ordinance*.”
- In 6.1.D.1, second sentence, change “*will*” to “*may*.”
- In 6.1.D.4, delete “*the Town Subdivision Ordinance*.”
- In 6.1.E, change all instances of “*mobile home space*” to “*mobile home site*.”

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- In 6.1.E.6.c, change “*An administrative office and/ or accessory structure*” to “*One administrative office and/ or one accessory structure for the park.*”
- In 6.1.E.6.c, replace “*as may be approved by the park operator*” with “*for each site.*”
- In 6.1.E.8, change text from “*Each mobile home shall be located at least ten (10) feet from any mobile home lot line. There shall be a minimum setback of the mobile home of twenty (20) feet from the front, or main street side of the lot and of at least ten (10) feet from the rear and sides of the lot*” to “*Each mobile home shall be located at least twenty (20) feet from the front of the mobile home site boundary line and at least ten (10) feet from the rear and sides of the mobile home site boundary line.*”
- In 6.1.E.12, delete the word “*Street*” from the beginning of the first sentence.
- In 6.1.E.12, delete the second instance of “*at night.*”
- In 6.1.G, add a new item 2 to read “*Parking. Off-street parking in accordance with Section 4.3.B shall be provided.*”
- In 6.1.H.2, change “*Section 4.3*” to “*Section 4.3.B.*”
- In 6.1.I.1.c, second bullet point, change “*four (4) occupants*” to “*three (3) occupants.*”
- In 6.1.I.1.k, change “*lodging facility*” to “*boarding house or rooming house.*”
- In 6.1.J.1, change “*Private Educational Facility*” to “*Commercial Educational Facility.*”
- In 6.1.J.1, second sentence, replace “*not to*” with “*shall not.*”
- In 6.2.A, replace “*providing that*” with “*unless.*”
- In 6.2.A, insert “*property owner*” after “*caretakers.*”
- In 6.2.A, add a new item 1 to read “*The terms “guest house” and “accessory dwelling” are synonymous for the purposes of this Ordinance.*”
- In 6.2.A.3, insert “*total*” after “*fifteen hundred (1500).*”
- In 6.2.A.3, delete third sentence (“*The sixty-five percent (65%)/fifteen hundred (1500) square feet limitation is only that portion of the building devoted to habitation*”).

b. Big Bay Town Park

Town of La Pointe Conditional Use Permit application for improvement & expansion of Big Bay Town Park, @2305 Town Park Circle, 01400072-0000. Discussion RE: 3/15/2011 Public Hearing.

Not discussed.

VII. New Business

- a. **Madeline Island Yacht Club RE: permit requirements for moveable gazebo in parking lot or on dock.**

The Zoning Administrator states that if a gazebo is put on a dock it's governed by the DNR, and they won't approve that, as it would set a precedent. Therefore the Zoning Administrator needs to know if placing a gazebo in the Yacht Club parking lot requires a permit.

C. Brummer states that if they make it smaller, *maybe* they could call it an open structure, but it does require a permit.

There is general consensus that this is the case.

G. Thury moves to resume agenda as posted. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

VIII. Future Agenda Items

IX. Schedule Future Meetings

- Town Plan Commission Special Meeting to be held Tuesday, April 12, at 2:00 pm.

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 5 aye. Motion Carries. Meeting ends at 6:30 pm.

Town Plan Commission minutes are respectfully submitted by Margaretta Kusch, ZCA on Monday, April 11, 2011.

Town Plan Commission minutes are approved as amended by Margaretta Kusch, ZCA on Wednesday, April 20, 2011.