

**Town of La Pointe Zoning
Town Plan Commission Regular Monthly Meeting Minutes
July 19, 2012**

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

Town Plan Commission Members Absent: none.

Public Present: Nancy Martin, Dave Thomas, Paul Brummer, Pete Rogers, Tina Nelson, Chris Roland, Helen Roland, Kris Carey, William Tibble, Mort Cushman, Penny Nelson, Scott Grabarek (12).

Town Staff Members Present: Jen 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 La Pointe Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

Kris Carey reads aloud a letter she and William Tibble have submitted (attached to these minutes and part of the permanent record). They feel that his complaints against their business, Hippophile Farm, and use of the shared private road, are unjustified. They feel that they have properly complied with all ordinance requirements and permitting processes for their business. They also feel that the Town doesn't have jurisdiction over any issues concerning private roads.

Pete Rogers reads aloud a letter he has submitted (attached to these minutes and part of the permanent record). He states that he withdraws his previous letter to the Town Plan Commission dated July 15, 2012. He feels that Article 5A of the Madeline Island School of the Arts' Conditional Use Permit was only intended to prevent the MISA cottages for being used as anything other than student housing and has nothing to do with the hosting of events at MISA (which he feels are permitted under Article 1C of MISA's Conditional Use Permit).

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Regular Monthly Meeting, July 5, 2012.

- In item II, #10, change "log" to "lay."
- In item VI.b, add Zoning Administrator comments as follows: "*The Zoning Administrator reviews the requirements of Section 15.2 of the Zoning Ordinance (complaints regarding Conditional Use Permits): "Such written complaint shall set forth the name, address, and telephone number of the complainant, the name and address of the property being complained about, and a detailed statement on the grounds and basis for such a complaint. Such complaint shall be signed by the complainant." The procedure then follows that the Zoning Administrator and the Town Plan Commission shall receive and evaluate it as follows: "during an open meeting of the Town Plan Commission within thirty days of receipt of the complaint the Town Plan Commission may close the matter if the complaint does not present sufficient information of cause to proceed, is warrantless, or frivolous. The Town Plan Commission shall state the reason(s) to close the complaint." If they decide to proceed on the complaint, they must schedule a Public Hearing (jointly with the Town Board) within 30 days of complaint receipt."*
- In item VI.d, change "Miska" to "Mirka."

- In item VI.d, add Zoning Administrator comments as follows: *“The Zoning Administrator states that agriculture and silviculture both are defined by producing a product, which is not occurring at this site. She therefore doesn’t think that the use of the property is for agriculture.”*
- In item VI.d, paragraph seven, change “states” to “feels.”
- In item VII.a, paragraph three, delete “with” after “same property, and.”

C. Brummer moves to postpone the Town Plan Commission Regular Monthly Meeting minutes of July 5, 2012, until the next meeting. S. Soucek seconds. All in favor, 6 aye, 1 abstain (G. Thury). Motion carries.

IV. Zoning Administrator’s Report

On file.

V. Consideration and/or Action of Permit Applications

a. Osterbauer, Morris Certified Survey Map, 936 South Shore Rd., LP #014-00292-0400 and LP #014-002920500.

The Ashland County Register of Deeds still hasn’t completed their review of the CSM, but the Zoning Administrator feels that it could still be recommended pending their review.

Chair Pallas moves to recommend the application to the Town Board pending Ashland County review. L. Whalen seconds. All in favor, 7 aye. Motion carries.

b. Ashland County Housing Authority Certified Survey Map, Block 5, LP# 014-00393-0200 and 014-00393-0100.

The Zoning Administrator states that she will abstain from discussion over this item. Chair Pallas will be acting as Zoning Administrator for this Certified Survey Map.

The Ashland County Register of Deeds still hasn’t completed their review of the Certified Survey Map. Tim Oksiuta of Nelson Surveying disputes some of the changes to the Certified Survey Map that the Town Foreman, Keith Sowl, felt should be added to the map. Mr. Oksiuta feels that the map is *“cluttered enough already without adding more information that is really not necessary.”*

The Town Plan Commission discusses the Certified Survey Map and agrees that the following additions need to be made:

- Zoning Districts to be shown
- Setbacks to be shown
- Wetlands to be shown
- Sewer Easements to be shown
- Access Easements to be shown
- Delete redundant language in the legend
- Change “Travelled Road” to “Private Driveway”
- Delete Zoning Administrator signature line and replace with signature line for Chair Pallas
- Sewer laterals to be shown
- Lot 2 is actually a re-plat of Certified Survey #203 and should be indicated as such

c. Havens Investment Co. Certified Survey Map, LP # 014-00290-0200. #014-00290-0700, and #014-00290-0500.

Tina Nelson is present to clarify the matter. This Certified Survey Map is to reconfigure four lots in the S-1 District into three lots. However Lot 2 is substandard (not the 3 acres required for S-1), and both Lots 1 and 2 are conforming.

The question is whether the Certified Survey Map must bring all three lots into conformance, or if the fact that the Certified Survey Map makes the lots *less* not conforming is sufficient.

Chair Pallas feels that the map is fine.

C. Baxter and L. Whalen feel that this is a good example of people trying to be less non-conforming and to do the right thing.

Chair Pallas moves to recommend the Havens Investment Co. Certified Survey Map to the Town Board pending Ashland County Review. S. Soucek seconds. All in favor, 6 aye, 1 abstain (C. Brummer). Motion carries.

VI. New Business

a. **Grabarek, Scott letter received 7/12/12 – is a land use permit necessary for a junk/salvage yard in the LI-1 Zone?**

Mr. Grabarek wants to store vehicles on land to be leased from the Town. Are any permits required?

Junk/salvage yards are a permitted use in the district. The Town Plan Commission feels that no permits are required; he just needs to be sure to stay within setbacks.

b. **Mort Cushman complaint re: use of property and private road at LP #014-00040-0200 and LP #014-00044-0300, 2355 Umbrage Road (owner: William Tibble).**

It's agreed to discuss the two aspects of this complaint (use of property and use of private road) separately.

Regarding the use of the property, the Zoning Administrator asks the Town Plan Commission to interpret the Zoning Ordinance as to whether the use of the property is in compliance with its Home Occupation permit (issued in 2001) or if it is a Home Business (which would require a Conditional Use Permit in the W-1 Zone).

Chair Pallas feels that the use has expanded beyond Home Occupation into Home Business at this point. The Zoning Administrator asks how the boundary between Occupation and Business is defined in this instance. Chair Pallas responds that he feels that the programs/classes being held at the property and the advertising of those programs/classes have caused the use to cross over to Home Business.

The Zoning Administrator states that, according to the Zoning Ordinance in effect at the time the Home Occupation permit was issued, the criteria for a Home Occupation is that it shall not occupy or cover more than 25% of the total property at the primary residence location.

Chair Pallas notes that although Mr. Tibble has two adjoining properties, they have to be treated as one property as one of the two is only 15 acres and W-1 requires lots of 20 acres or more.

C. Brummer and the Zoning Administrator note that while the Home Occupation was a conforming use and properly permitted, it became a nonconforming use and couldn't be expanded when the Home Occupation section of the Zoning Ordinance was repealed in 2004.

C. Baxter feels that the property owners have abided by the Zoning Ordinance at every step of their development and they are to be commended for it. He also notes that Ms. Carey asked if they'd be in

compliance if they stopped using their indoor arena for public training and that's something to consider before they are required to get a Conditional Use Permit.

The Zoning Administrator feels, as an aside, that a Commercial Educational Facility should be added as a conditional use to W-1 in the Zoning Ordinance.

The Town Plan Commission is in agreement that Hippophile Farm has become a Home Business and should now apply for a Conditional Use Permit.

Chair Pallas moves that the first part of Mr. Cushman's complaint, that Hippophile Farms is being run as a business; that it is beyond the scope of a Home Occupation and it is recommended that the owners apply for a Conditional Use Permit for a Home Business. G. Thury seconds. All in favor, 7 aye. Motion carries.

Regarding the second aspect of the complaint, involving the use of the shared driveway/private road, the Town Plan Commission is in agreement that the use and maintenance of private roads are not a zoning issue. The Town Plan Commission doesn't enforce setbacks on private roads, and the speed limit issue should be addressed at the Conditional Use Permit Public Hearing, should one be held.

Chair Pallas moves to inform Mr. Cushman that the concerns about the private road are not a zoning issue. S. Soucek seconds. All in favor, 7 aye. Motion carries.

c. Welsh-Gilman proposed alteration of non-conforming shed at 825 South Shore Rd., LP #014-00001-0200.

The property owners want to remove part of a nonconforming a shed from their land. The Town Plan Commission agrees that this is fine.

d. Discussion of procedure and policy regarding commissioner absences at meetings.

It is agreed that a policy should be put in place that Commissioners shall notify the Town Plan Commission Chair if they are unable to attend a meeting. The by-laws will be amended at the next meeting to reflect this.

VII. Old Business

a. Hartzell, Robert: interpretation of Lightkeeper's Lodge Conditional Use Permit regarding parking at LP #014-00446-0200.

Chair Pallas feels that he has a minor violation of his Conditional Use Permit by not building the parking lot he said he would build, and he's not in compliance, but if he can put signs up identifying other spots for the Lightkeeper's Lodge, he's fine.

Chair Pallas moves that if Mr. Hartzell puts signage on the six spaces on the spots he claims are designated for the Lightkeeper's Lodge then we'll put this issue to rest. And I suggest that Mr. Hartzell applies for an amendment to his Conditional Use Permit for parking which would bring him into compliance. G. Thury seconds. All in favor, 7 aye. Motion carries.

b. Ryder, Ben: after-the-fact accessory: does the square footage comply with Zoning Ordinance Section 6.2.A?

The Zoning Administrator states that she received an email from Jim Price letting her know that there's been a complaint made alleging that an unlicensed plumber has been working at the site. A licensed master plumber has to do the sanitary reconnect.

C. Brummer moves to instruct the Zoning Administrator to issue the After-the-Fact Land Use Permit for Ben Ryder's accessory dwelling and Change of Use on the condition that only the upstairs of the accessory dwelling is used for habitation. S. Soucek seconds. All in favor, 7 aye. Motion carries.

c. Brummer, Paul complaint submitted 6/26/2012 regarding use of Craftivity, Inc. property at 978 Middle Road, LP #014-00178-0200.

The Zoning Administrator states that complaints require the name, address, and telephone number of the complainant, the name and address of the property being complained about, and a detailed statement on the grounds and basis for the complaint. She further states that it's the responsibility of the Town Plan Commission under Section 15.2.A and 15.2.B of the Zoning Ordinance to schedule a Public Hearing within 30 days of receipt of the complaint should they decide the complaint presents sufficient information of cause to proceed.

Chair Pallas feels that everything is in order in terms of the requirements for properly filing a complaint as detailed in the Zoning Ordinance, so a Public Hearing should be scheduled.

Chair Pallas moves that the complaint does present sufficient information to proceed and we should schedule a Public Hearing because the motion that I made said that if it reoccurred in the future we'd deal with it at that time. S. Soucek seconds. All in favor, 6 aye, 1 abstain (C. Brummer). Motion carries.

d. Zoning Administrator request for interpretation re: Accessory/"greenhouse" at 690 Main St., LP #014-00442-0000 and 014-00443-0000—is a land use permit required?

The Zoning Administrator notes that this greenhouse is being used to store kayaks.

The Town Plan Commission is in consensus that this is a storage shed and requires a permit.

VIII. Future Agenda Items

- Town Plan Commission Regular Monthly Meeting, July 5, 2012 second draft minutes.
- Ashland County Housing Authority Certified Survey Map Block 5, LP# 014-00393-0200 and 014-00393-0100.
- Amendment of by-laws.

IX. Schedule Future Meetings

- Town Plan Commission Special Monthly Meeting to be held Thursday, August 2, 2012, at 4:30 pm.
- Public Hearing for Paul Brummer complaint to be held Thursday, August 23, 2012, at 5:00 pm.

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 6:20 pm.

Town Plan Commission minutes respectfully submitted by Margaretta Kusch, ZCA on Tuesday, July 31, 2012.

Town Plan Commission 2nd draft minutes submitted Thursday, August 16, 2012.

Town Plan Commission 2nd Draft minutes approved as submitted Thursday, September 06, 2012.