

**Town of La Pointe Zoning
Town Plan Commission Public Hearing Minutes
Wednesday, July 28, 2010**

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

Town Plan Commission Members Absent: None.

Public Present: Paul Brummer, Dick and Sally Hoffman, Mike Starck, Arnie Nelson, Harold Nye, Neal Spear, Warren Anderson, Chris and Jennifer Hollander, Riki Jursik (11: Sign-up sheet attached to these minutes).

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 5:00 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Confirm Posting and Publishing

Chair Pallas states that posting and publishing have been correctly done and that the records and affidavits are attached to these minutes for public viewing.

III. Hear public comment regarding Glenn and Susan Bergeon special exception permit application requesting a building core of 33 ft x 33.5 ft with relief from the S-2 Zoning District rear and side setback Requirements

Parcel information

- **FIRE NUMBER:** 2635 Big Bay Road
- **TAX PARCEL ID:** 014-00054-0900
- **ZONING DISTRICT:** S-2 Shoreland Protection District
(for area where relief is requested – other zoning districts on the parcel are S-1 and W-1)
- **PARCEL WIDTH:** 100 Ft **PARCEL AREA:** 1.49 Acres +/-

Request information

- **REAR SETBACK RELIEF REQUESTED:** 20 ft to right of way of Big Bay Road (relief of 10 ft)
- **FRONT SETBACK RELIEF REQUESTED:** 0 (building core to remain 75 ft from original high water mark of Lake Superior)
- **SIDE SETBACK RELIEF REQUESTED:** East= 37 ft (relief of 13 ft), west= 30 ft (relief of 20 feet)

Chair Pallas asks that all speakers state their names for the record first and then opens the floor to public comment.

H. Nye submits a written statement, which he reads for the record (the statement is attached to these minutes). He states that he and his wife, Cynthia, are opposed to the Bergeons being granted a special exception. The following main points are made:

- The pipes that marked the corners of the property have been removed, and that wooden blocks are now in place, but wonder if those blocks are in the correct place.
- Permission was given by the Bergeons to their friends to cut down trees on the property, but that trees were instead cut down on their (the Nyes') property.

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- Issues with “noise of power generators, slamming doors, bad language, loud noise, and trash degenerating in area.”
- Is there a conflict of interest with M. Starck representing the Bergeons and also being the chair of the Board of Appeals? Chair Pallas states that the committee before Mr. Nye is the Town Plan Commission, not the Board of Appeals.
- The real estate agent who sold the property to the Bergeons should have told them that the land wasn’t buildable.

Mr. Nye also presents photos recently taken at the Bergeon property (attached to these minutes).

Mr. Starck, the agent for the Bergeons, hands out a drawing of property with proposed buildable core as well as an attachment with a list of answers to the special exception permit application (attached to these minutes). He states that if the matter ever reached the Board of Appeals, he would recuse himself.

Mr. Starck points out that in the past three years, there have been two different Town Plan Commissions with different regulations created for dealing with non-conforming lots of record, and now a new set of regulations exists again. Chair Pallas points out that these changes have been made on the advice of an attorney.

D. Hoffman states that he owns property on Big Bay Rd. with land on both sides of the road, the same situation as the Bergeons. He states that the property owners along County H own the land under the road. Neither the Town nor the County have easements for County H. He further states that as the lakeshore is the front of a lot on the island and rear-yard setbacks are measured on the opposite side from the front (i.e., on the Bergeons property, the rear would be on the inland side of the road), he doesn’t understand why this Public Hearing is necessary (i.e., why the Bergeons need setback relief). Mr. Hoffman feels the Bergeons have the room to build a home and should be able to do so. He further states that he feels the Town should reinstate the sideyard setbacks as they were in 1972 (at the creation of the Ordinance).

N. Spear states that his family owns property on Big Bay Rd. as well and is in favor of the special exception being granted, as he feels the Bergeons should be able to use their property. He agrees with Mr. Hoffman that the Town should revert back to the zoning regulations of 1972. Mr. Spear also feels that there should be a percentage of land that is buildable on all properties on the island, right down the line. He also agrees with Mr. Nye that the property needs to be cleaned up, and feels that once a home is built there, it will look much better.

A. Nelson is in favor of the Bergeons’ special exception being granted. He agrees with Mr. Spear about a buildable percentage of land on every lot: it would be fair to all. Mr. Nelson also agrees with Mr. Hoffman that the rear of the property is on the far inland side of the road, and that the Bergeons should be able to build up to the road right-of-way (although not in the right-of-way). Regarding the letter from Tom Fratt of the Ashland County Land and Water Conservation Dept, Mr. Nelson feels that the erosion that Mr. Fratt is concerned about on the Bergeon property occurs all over the island. Property owners must be given the chance to proactively plan against erosion.

It is pointed out at this point that the hand-drawn plan of the Bergeon property is not to scale (it shows the Bergeon property as being at right angles to the road). A survey has been submitted with the application that shows the proper dimensions of the property.

W. Anderson states that he believes everyone should be able to use their land. He reiterates that the land the county road is on is owned by the private property owners along the road.

S. Hoffman states that she is in favor of letting the Bergeons build on and use their land.

Chair Pallas states that the Town Plan Commission will be having its Special Monthly Meeting on August 4th, and the Bergeon special exception will most likely be on the agenda.

IV. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 7 aye. Motion Carries. Meeting ends at 5:40 pm.

Draft Town Plan Commission Minutes respectfully submitted by Margareta Kusch, ZCA, on Thursday, July 29, 2010.

Town Plan Commission minutes are approved as amended by Margareta Kusch, ZCA on Wednesday, August 04, 2010.