

**Town of La Pointe Zoning  
Town Plan Commission Special Meeting Minutes  
August 11, 2010**

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

**Town Plan Commission Members Absent:** none.

**Public Present:** Mike Starck, Paul Brummer, Jeff Sowl, Paul Wilharm (4).

**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 4:35 PM at the 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 Special Monthly Meeting, August 4, 2010**

- On page 3, third statement, change “loose” to “lose.”

G. Thury moves to approve the Town Plan Commission Special Monthly Meeting minutes of August 4, 2010, as amended. L. Whalen seconds. All in favor, 6 aye, 1 abstain (C. Baxter). Motion Carries.

**IV. Zoning Administrator’s Report**

Report placed on file at August 10 Town Board meeting.

- The Town Board directed the Town Clerk and the Zoning Administrator to return the budget worksheet to the County with the “request of \$18,500 for the 2011 Zoning Dept services provided for the County Zoning Department by the Town of La Pointe Zoning Department” and to note the “disappointment the Town Board feels regarding the breadth of services provided by the Town’s Zoning Department.”
- There are two new permits in process which weren’t in the Zoning Administrator’s report: a fill permit for Greg Nelson on Miller Farm Road and Town road access on Miller Farm Road.

**V. Consideration of Permit Applications**

**a. Wilharm, Paul re: new 20 sq. ft sign @ 734 Main St. & question re: use of existing billboard**

There is consensus that the permit for the new 20 sq. ft. sign is fine.

Regarding the existing billboard, it is unclear where the actual setbacks are on Main St. at this location. The Zoning Administrator conferred with Keith Sowl and they took the setbacks from the back of the sidewalk. The existing 5’ x 4’ sign within the 8’ x 5’ ½” frame is four feet back from that, measuring from the frame’s roof overhang. The question is whether the billboard can be used for advertising.

C. Brummer believes that the sign has been there since the early 1990’s. He suggests that research be done to find out what zoning regulations were in the early 90’s regarding signs.

Mr. Wilharm states that he has boxes of paperwork from the former owner, Ms. Perry, that probably include photos of the site. He will look through these to try to figure out when the sign was put up.

It is also suggested that the Zoning Administrator look into when the store was moved to that location.

J. Croonborg-Murphy asks if it would be all right if advertisements were put in the shop windows. There is consensus that this is all right.

The Town Plan Commission feels that while research is undertaken about the sign, it is fine that Mr. Wilharm continue posting advertisements on it. If it turns out that the sign was a permitted use according to the zoning at the time, it should be fine to continue to use it.

**b. Bergeon, Glen & Susan re: Special Exception permit application for reduced setbacks at 2635 Big Bay Road, parcel #014-00054-0900 – Discussion and Possible Decision**

The Zoning Administrator has submitted a report and suggestions for this Special Exception. She states that inspections at the site have confirmed that her recommendations are viable because of wetlands. She has prepared two recommendations, a “plan A” that creates a buildable core on the inland side of the highway, and a “plan B” for a core on the lake side of the highway.

S. Soucek would like to state her appreciation of the time and effort that the Town Plan Commission, but especially the Zoning Administrator, has put in to this special exception.

C. Baxter states that he was more inclined to be lenient prior to walking the site, but now feels that reasonable use of the property would be given were the Bergeons to build on the inland side of the highway. If construction were to take place on the lake side, he would only want to grant the bare minimum setback relief.

R. Madich states that he is in favor of the Zoning Administrator’s plan B. He states that he objects to the objections made at the Public Hearing, as he felt that those objections were against the Bergeons, not the plans themselves.

L. Whalen feels that although the reasons of objections at the Public Hearing might have been objectionable to some, they have to be taken into account.

C. Brummer states that the side yard setbacks on a lake side buildable core should be 37 ½ feet in order to address concerns raised at the Public Hearing. He also feels that allowing building on the lake side may be the best way to ensure that erosion control is undertaken at the site.

Chair Pallas states that he likes plan B. He thinks there should be a small building core allowed on the lake side, about 28’ x 28’, but he doesn’t want anything to be allowed without seeing how the bank will be stabilized first. He doesn’t think that holding tanks should be located on the opposite side of the road from the house, unless boring is done under the road.

The Zoning Administrator states that she feels building on the lake side with all the conditions met might be financially unfeasible. She wonders if the Town Plan Commission could approve both, one as a backup plan.

Chair Pallas states that the expensive thing would be stabilizing the bank, the rest of the plan is minimal. He thinks there should be a small buildable core on the inland side for an accessory building. He would be leery of approving both plans.

C. Brummer states that he would not be in favor of granting both plan A and B at the same time. He feels that if they change their mind they should reapply. There was no discussion of building on the inland side of the highway at the Public Hearing, so the public did not have the chance to voice any concerns about that scenario.

Chair Pallas wants the buildable core on the lake side to be as close as possible to the road (i.e., as far from the lake as possible). If Emmer Shields won't allow anything closer than 20' from the right of way, then the building should be 20' away, not farther.

C. Baxter is concerned that the property owners might get the special exception and then turn right around and sell it at a higher price.

J. Croonborg-Murphy states that that is the property owner's right. The special exception is to the property, not to people.

C. Brummer notes that the buildable core on the lake side would be skewed, not square, as it would have to run parallel to the lakeshore and side yards, not the road. He also states that granting a buildable core must not disturb or destroy any more trees or vegetation than is strictly necessary for construction. C. Brummer states that there should be one parking spot on the lake side if the building core is to be located there, at least for emergency services vehicles, the septic truck, handicapped access, etc.

M. Starck states that if the Bergeons choose not to take the special exception granted on the lake side, they should reapply for an inland side, as building on the inland side wasn't discussed at the Public Hearing.

The Zoning Administrator asks if the Town Plan Commission feels that the thirteen standards of the Ordinance in Section 7.1.C (standards for approval in cases of conditional uses (and special exceptions)) have been addressed regarding this application. The list is reviewed, and consensus is reached that these have been met.

Chair Pallas states that before finalizing conditions, he wants a consensus as to whether the buildable core should be on the lake side or the inland side, and what area the buildable core should be.

R. Madich, S. Soucek, Chair Pallas, and C. Brummer think the buildable core should be on the lake side. L. Whalen, C. Baxter, and G. Thury feel it should be on the inland side.

R. Madich, S. Soucek, and Chair Pallas feel the buildable core should be 28' x 28' on the lake side. C. Brummer, L. Whalen, C. Baxter, and G. Thury feel the buildable core should be 25' x 25' on the lake side.

The consensus is that plan B will be followed, with a buildable core of 25' x 25'.

The following language is agreed upon for the Bergeon special exception at the meeting:

*A building core no larger than 25 ft x 25 ft (625 sq ft) to be located 20 ft from the ROW of County Highway H and parallel with the lake shore and no closer than 35 1/2 ft from the east side.*

- 1. All existing materials smothering vegetation on the lake side of the highway shall be removed immediately and shall not be replaced.*

2. *A four-foot wide footpath may be provided from the building core to the lake access stairway.*
3. *No view corridor allowed. All areas outside the building core and footpath shall be replanted per planting specifications listed in "Shoreline Restoration Guide" (a publication of the Ashland, Bayfield, Douglas and Iron Counties Land Conservation Departments). Construction Site Stormwater Runoff Management Plan prepared by experienced shoreline restoration firm required. Ongoing stormwater runoff from all impervious surfaces including but not limited to decks, stairs, driveway to be addressed in a Stormwater Management Plan. Shoreline Restoration Plan and Stormwater Runoff Management Plan to be reviewed and approved by Zoning Administrator and Town Plan Commission upon decline of the Ashland County Land Conservation Dept.*
4. *Bluff Stabilization Plan prepared by experienced coastal engineer for approval by TPC prior to submittal and/or approval of Land Use Permit. Plan required to stabilize bluff for the lifetime of the dwelling. All required permits from WDNR, Army Corps of Engineers, and/or Ashland County Zoning shall be obtained. Stabilization Plan to be implemented prior to start of construction.*
5. *No impervious surface or semi-impervious surfaces shall be allowed outside the building core, except as follows:*
  - a. *One off-street parking space on lakeside of highway and 4 foot wide footpath to lake.*
  - b. *Two off-street parking spaces per Ordinance requirements on inland side of County Highway H.*
  - c. *POWTS in compliance with Comm. 83.*
6. *The dwelling shall not have a basement*
7. *Repair and/or replacement of lake access stairway 4 ft wide or less allowed in existing location only.*
8. *Any after the fact permit(s) required by the WDNR and/or Army Corps of Engineers for wetland fill shall be obtained prior to submittal of Land Use Permit Application for structure(s).*
9. *No camping unit(s) shall be allowed.*
10. *The property shall not be subdivided.*
11. *A secondary building core, not to exceed 14 ft x 16 ft, for the purpose of a storage structure on the inland side between 60 ft from the right of way of Big Bay Road, no closer than 30 ft from either side.*
12. *Acknowledging existing regular uses, there shall be no short term rental of the dwelling. However, when either adjoining neighbor obtains a permit for short term rental of a single family dwelling, this condition shall be void.*
13. *These conditions shall be recorded as restrictions on the deed for the property in perpetuity.*
14. *Any violation of any condition above will be interpreted as a violation of the La Pointe Zoning Ordinance and will be pursued as such.*

This language will be sent to the town's attorney, Mike Fauerbach, for review. Once Mr. Fauerbach's opinions have been taken into consideration, the Town Plan Commission will officially vote on the special exception.

## **VI. Old Business**

**Zoning Ordinance Revision Project**

- a. **Review and possibly revise working draft of tentative Ordinance Revision, Sections 1.0-16.0. Zoning Dimensional Table for new proposed zoning districts**

There is no new information to review at this time.

- b. **Review and possibly revise Official Zoning Map re: Comprehensive Plan Future Land Use Map**  
Not discussed.

**VII. New Business**

**VIII. Future Agenda Items**

**IX. Schedule of Next Meeting**

- Town Plan Commission Special Meeting to be held on Wednesday, August 25, 2010. Time to be determined.

**X. Adjournment**

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 7 aye. Motion Carries. Meeting ends at 6:10 pm.

**Draft Town Plan Commission Minutes respectfully submitted by Margareta Kusch, ZCA on Monday, August 16, 2010.**

**Second draft Town Plan Commission minutes respectfully submitted by Margareta Kusch, ZCA on Thursday, August 26, 2010.**

**Town Plan Commission minutes are approved as amended by Margareta Kusch, ZCA on Wednesday, September 01, 2010.**