

**Town of La Pointe Zoning  
Town Plan Commission Special Monthly Meeting Minutes  
August 2, 2012**

**Town Plan Commission (TPC) Members Present:** Ted Pallas, Chair, Charles Brummer, Vice-Chair, Suellen Soucek, Larry Whalen, Joan Martin, Greg Thury (6).

**Town Plan Commission Members Absent:** Carey Baxter (1).

**Public Present:** Dave Thomas, Pete Rogers, Clark Faulkner (3).

**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 4:33 PM at the La Pointe 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 2<sup>nd</sup> Draft, July 5, 2012.**

- In Public Present, change "*Miska*" to "*Mirka*."

G. Thury moves to approve the Town Plan Commission Special Monthly Meeting minutes of July 5<sup>th</sup>, 2012, second draft, as amended. S. Soucek seconds. All in favor, 5 aye, 1 abstain (Chair Pallas). Motion carries.

**b. Town Plan Commission Regular Monthly Meeting, July 19, 2012.**

- In Public Comment, first paragraph, second sentence, change "*bis*" to "*Mr. Cushman's*."
- In item VII, first paragraph, change first instance of "*he*" to "*Mr. Hartzell*."

The Zoning Administrator has further comments on the draft minutes, but hasn't reviewed the entire draft yet.

G. Thury moves to postpone the Town Plan Commission Regular Monthly Meeting minutes of July 19, 2012, until the next meeting. S. Soucek seconds. All in favor, 6 aye. Motion carries.

**IV. Zoning Administrator's Report**

**V. Consideration and/or Action of Permit Applications**

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

The surveyor has made some changes to the map, but not all the changes that the Town Plan Commission required at their last meeting. However, the Zoning Administrator would like to know if the Town Plan Commission feels that the changes made thus far are all right, if the setbacks that are now on the map for Lot 3 are all right, and notes that with the front of Lot 8 being on the alleyway, a lot of buildable area is taken from the lot.

The Town Plan Commission agrees that the changes made to the map already are fine, and they appreciate the work carried out so far.

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C. Brummer moves to postpone the Ashland County Housing Authority Certified Survey Map until the next meeting. L. Whalen seconds. All in favor, 6 aye. Motion carries.

**b. Boone Creek Trust: Rental of Principal Single Family Dwelling at 351 Old Fort Road, LP #014-00200-3820.**

The owners of this property wish to maintain the Rental of a Principal Single Family Dwelling permit that the previous owners held. The use is non-conforming in the district. The rental permit that the previous owners held has expired. However, a non-conforming use is still allowed as long as it isn't discontinued for twelve months. In this case, twelve months have not yet passed.

The Town Plan Commission consensus is that the current property owners can get a Rental of a Principal Single Family Dwelling permit and continue the non-conforming use.

**c. Faulkner, Laurie and Clark: alteration at 893 Nebraska Row, LP #014-00414-0300.**

The Faulkners want to install the concrete foundation wall under their house (no basement is to be added). In order to get the work trucks in to the property to do this, the accessory structures (in disrepair) on the property will have to be moved. The house and accessory structures do not meet sideyard setbacks. The question is whether the Faulkners can replace the accessory structures if they're removed for construction.

The Town Plan Commission is in agreement that the Faulkners can replace the accessory structures as long as the new ones stay within the same footprint and there's no increase in square footage (e.g. they cannot be built to a greater height than the originals), as unlimited maintenance and repair is allowed on nonconforming structures.

Mr. Faulkner states that the accessory structures aren't used anymore, and he wonders if they should replace them regardless after they have to be moved for the foundation project. Chair Pallas responds that if they aren't replaced, the Faulkners would lose the right to build any different structures in the future, as they are nonconforming in the first place. Rebuilding them would let the Faulkners retain the right to have the accessory structures.

C. Brummer moves to instruct the Zoning Administrator to issue a building permit for a new foundation for the house; and for the accessory structures, they're allowed maintenance and repair without a building permit, as long as they're in the same footprint, for the Faulkner estate. S. Soucek seconds. All in favor, 6 aye. Motion carries.

Mr. Faulkner asks the Town Plan Commission if he'd be able to square out a corner of his house (extend the walls to be flush with the current eaves, leaving no overhang) and move a door from one location to another.

The Town Plan Commission determine that filling in the living space under the eaves wouldn't increase the footprint of the dwelling as the definition of the footprint in the Zoning Ordinance is that "*the building footprint shall be the area under the horizontal projection of the roof to include eaves and overhangs.*"

Chair Pallas feels that moving a door location wouldn't be a structural alteration.

The Zoning Administrator notes that the house doesn't meet sideyard setbacks on that side of the building.

**d. Erickson, Evan: CSM at 304 Big Bay Road, LP #014-00198-0200.**

The Zoning Administrator notes the following changes that she suggests need to be made:

- “5<sup>th</sup> Street” to be changed to “*Voyageur Lane.*”
- Existing driveway to be shown
- Setback lines to be shown for each lot
- A wetland delineation to be carried out
- On page two, change “835.37” to “835.38” in the metes and bounds description on page 2.

She notes that the Town Plan Commission can elect to waive the wetlands delineation requirement should they feel that building activity wouldn’t interfere with wetlands.

The Town Plan Commission agrees that all five of the Zoning Administrators suggested changes be required.

**VI. New Business**

**a. Amend by-laws**

- Article 4, Matter of acting chair (new Article C).

Chair Pallas moves to add new item to read “*In the case of the Chair and the Vice-Chair being absent and/or abstaining, the remaining commissioners by motion and majority vote shall name an acting chair.*” S. Soucek seconds. All in favor, 6 aye. Motion carries.

- Article 5, Matter of commissioner attendance.

Chair Pallas moves to add new item to read “*Any commissioners not able to attend a meeting must notify the Chair as soon as possible before a scheduled meeting and the Chair shall notify the Vice-Chair.*” S. Soucek seconds. All in favor, 6 aye. Motion carries.

**VII. Old Business**

**VIII. Future Agenda Items**

- Town Plan Commission Regular Monthly Meeting minutes of July 19, 2012.
- Ashland County Housing Authority Certified Survey Map, Block 5, LP# 014-00393-0200 and 014-00393-0100.
- Erickson, Evan: CSM at 304 Big Bay Road, LP #014-00198-0200.

**IX. Schedule Future Meetings**

- Town Plan Commission Regular Monthly Meeting to be held Thursday, August 16, 2012, at 4:30 pm.

**X. Adjournment**

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 5:20 pm.

**Town Plan Commission minutes respectfully submitted by Margaretta Kusch, ZCA on Tuesday, August 07, 2012.**

**Town Plan Commission minutes approved as amended on Thursday, August 16, 2012.**