

**Town of La Pointe Zoning
Town Board/Town Plan Commission Joint Public Hearing Minutes
December 7, 2012**

Town Board Members Present: Jim Patterson, Larry Whalen (2).

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

Town Board Members absent: Greg Nelson, Chair, Ham Ross, Nick Nelson (3).

Town Plan Commission Members Absent: none.

Public Present: Dave Thomas, Mike Starck (2).

Town Staff Members Present: J. Croonborg-Murphy, Zoning Administrator, Patty Hobin, Clerk, Margaretta Kusch, ZCA (3).

I. Call to Order/Roll Call

Chair Pallas called the Meeting to order at 5:00 PM at the La Pointe Town Hall. Roll call reflected members present or absent as recorded above.

II. Hawkeye Investments, LLC/JH Property Trust Application for a Conditional Use Permit to operate a Home Occupation in the S-1 Zone (Business use to include making investments and managing assets) at 1230 Big Bay Road, LP #014-00136-0100.

The Zoning Administrator reports that the Public Hearing has been posted and published correctly.

Mike Starck states that he is attending the Public Hearing to answer any questions if necessary.

Dave Thomas asks if the backstory of the application can be outlined.

The Zoning Administrator responds that the property owner wishes to operate an investments/assets management business in the second floor of an as-of-yet unbuilt garage. There's already a principal dwelling and a guest house on the property and a land use permit has been issued for a 2 story garage (and a slab has been built for the future garage). The proposed building also has UDC approval and is connected to a mound system already on the property. The S-1 Zone is residential, and a Conditional Use Permit is required for a Home Occupation. If a Conditional Use Permit is granted, a Change-of-Use permit will be required, and it's likely that Jim Price of UDC will have to re-inspect/permit the project.

J. Martin asks whether it is assumed customers will be visiting the property to do business.

M. Starck responds that this isn't in the owner's plans. The business is to be conducted electronically/by telephone. There shouldn't be any customer traffic to the property itself.

Chair Pallas notes that neighboring property owner Chris McCue raised concerns about traffic to and from the property and possible signage.

M. Starck responds that there are no plans for signage at the business.

The Zoning Administrator notes that the Zoning Ordinance allows for a Home Occupation to have one 3' x 4' sign on the premises.

D. Thomas asks what would happen should the Conditional Use Permit be issued but the structure not built. Is there a time limit as to how long the Conditional Use Permit would be valid?

The Zoning Administrator reads from the Zoning Ordinance (Section 7.2.I): *“Where the Town Plan Commission has approved or conditionally approved an application of a conditional use, such approval shall automatically become null and void within twelve (12) months of the date of the issuance of the Conditional Use Permit unless the use is commenced, construction is underway, or the current owner possesses a valid Land Use Permit for each building and/or structure contemplated. Construction under such Land Use Permit(s) shall be commenced within six (6) months of issuance and shall be substantially complete upon permit expiration. If a timetable of developments is approved as a condition under paragraph F of this section, only those uses, buildings, and/or structures contemplated within this twelve (12) month time period shall be required. Upon timely application and for justifiable cause, the Town Plan Commission may grant a specific extension of this twelve (12) month period.”*

C. Brummer notes that the blueprints show a shower/bath for the garage second floor. He is concerned that this space not be used as a dwelling, rental space, etc. C. Baxter and S. Soucek share this concern.

M. Starck responds that the space is not in any way intended to be for a residence. He adds that that can be a condition of the Conditional Use Permit.

D. Thomas asks what prevents individuals from getting simple Conditional Use Permits, then ratcheting up the process with continual amendments. He also wonders to what extent the property owner already having a slab laid eases the approval for this Conditional Use Permit.

Chair Pallas responds to D. Thomas’ second point that, as far as he’s concerned, the slab’s existence will have nothing to do with his decision regarding the Conditional Use Permit.

C. Baxter responds to D. Thomas’s question. He feels that, in a situation where a Conditional Use Permit is amended multiple times, regulation is complaint-driven.

The Zoning Administrator notes that during the Zoning Ordinance Revision Project, a requirement of a timetable of development for Conditional Use Permits was added. This is to discourage continual Conditional Use Permit modification.

L. Whalen questions whether this Public Hearing is the proper forum to be discussing the Zoning Ordinance in general.

M. Starck notes that the property owner is trying to be above board and abide by the Zoning Ordinance. Many people on the island conduct work from home on computers and don’t have Home Occupation permits. He reiterates that conditions to the Home Occupation should be added to the Conditional Use Permit if it is granted.

One letter of public comment, from Chris McCue and John Slater, has been received. This letter has been attached to these minutes as part of the official record. The Zoning Administrator reads the letter aloud.

III. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 7 aye. Motion Carries. Meeting ends at 5:25 pm.

Town Board/Town Plan Commission minutes respectfully submitted by Margaretta Kusch, ZCA, on Friday, December 07, 2012.

Town Board/Town Plan Commission minutes approved as amended on Wednesday, December 12, 2012.