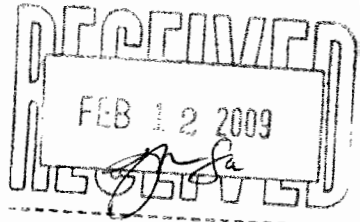


7 TPC  
1 ZC  
1 ZA

To: LaPointe Town Planning Commission  
Subject: Public Hearing February 18, 2009

Date: February 5, 2009  
From: Dick Hoffman



Dear Commissioners,

Please read my memo into the public comment at the February 18, 2009 Public Hearing.

I have received and reviewed the draft proposal dated 1/12/09 regarding non-conforming grandfathered lots. The effort made in addressing the issue of non-conforming lots, in my opinion, is a giant step forward for the community. I also recognize the need to reduce construction restrictions on non-conforming lots resulting from Zoning Regulation Adoptions after zoning was created on Madeline in 1972. The current zoning ordinance does not address non-conforming lots.

However, you do not want to exclude the grandfathered property rights for lots created between September 1972 and the adoption of the 1988 rewrite of the zoning ordinance. The Town of LaPointe approved the 1988 rewrite combining shoreline zoning districts. Existing and recorded 200 ft. width lots became non-conforming when rezoned into a district requiring 250 ft. width lots. My neighbors and I own lots that were made "Non-conforming" when S2 and S3 districts were combined into S1. The acreage was changed from 1.5 acres to 3 acres. The Zoning and Planning also increased the yard setbacks so that approximately 70% was zoned unbuildable. Therefore I am asking for all of us who own non-conforming lots created between 1972 and 1988 to be included in the rewrite proposal for "Grandfathered Lots". This would be in agreement with Judge Eaton's court order to remove ambiguity from the LaPointe Zoning Ordinance.

My Suggestions are as follows:

4.3 Supplementary Regulations

4.3.3 Grandfathered Lots

Any lot that was created and recorded at Ashland County Register of Deeds, prior to the adoption of zoning on Madeline Island in September 1972 or prior to adoption of a rewrite/revision of the September 1972 Zoning Ordinance, is considered "Grandfathered". A grandfathered lot may or may not meet the current lot dimensional requirements for that district.

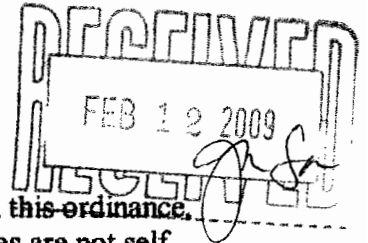
4.3.3.1 Non-conforming Grandfathered Lots

Any lot that does not meet current dimensional requirements (length, width, area) and was created and recorded prior to adoption Madeline Island Zoning Ordinance in September 1972 or prior to adoption of a rewrite/revision of the September 1972 Zoning Ordinance, is considered nonconforming grandfathered lot.

4.3.3.2 Setback Relief Formula for Non-conforming Grandfathered Lots

Grandfathered Lots shall be eligible for setback relief as to the undertaking of construction on said lot as described in the following paragraphs:

- A. Same as proposed by TPC draft 1/12/09
- B. Same as proposed by TPC draft 1/12/09
- C. Same as proposed by TPC draft 1/12/09
- D. Same as proposed by TPC draft 1/12/09



4.3.3.3 Fee Relief for Non-conforming Grandfathered lots

Any person owning a non-conforming grandfathered lot, as defined in this ordinance, whose issues cannot be resolved with the relief granted herein, and these issues are not self created, is allowed to apply for a variance from the Zoning Board of Appeals at 50% of the posted fee for the filing of a variance.

4.3.3.4 Conforming Grandfathered Lot

Any person owning a conforming grandfathered lot, as defined in this ordinance, whose issues cannot be resolved by the ZA, and these issues are not self created, is allowed to apply for a variance from the Zoning Board of Appeals at 100% of the posted fee for the filing of a variance.

4.3.3.5 Altering an Existing Lot

Any alteration of boundary lines or configuration of an existing lot shall comply with the CSM process contained in this Ordinance.

- A. Altering a Non-conforming Grandfathered Lot.

Such alteration causes the lot to lose its status of "Grandfathered" as defined in this Ordinance and must result in a conforming lot.

- B. Exceptions to 4.3.3.5.A

1. An exception to 4.3.3.5.A is allowed if such alteration causes the lot to come closer to conforming to the current zoning dimensional requirements of width and area. The ZA will make such determinations and any disagreements with this determination shall be settled by appeal to ZBA.

2. An exception to 4.3.3.5.A is allowed if such alteration causes the lot to come closer to conforming to the current zoning dimensional requirements for structure setbacks, but remains deficient in current requirements for width and/or area.

- C. Altering and existing lot by adding area or width from an adjacent existing and recorded parcel cannot render the contributing parcel non-conforming.

Comments:

I hope the proposed revisions result in equal treatment when issues come before the TPC or ZBA. Mistakes made in the past demonstrated a need to revise the Zoning Ordinance.

*D. Hoffman* 2-05-09