

**Town of La Pointe Zoning  
Town Plan Commission Regular Monthly Meeting  
Wednesday, September 17, 2008**

**Town Plan Commission Members Present:** Carl Broberg; Chair, Michael Childers; Vice-Chair, Mike Starck, Lois Carlson, Ron Madich, Suellen Soucek, Ron Harrold (arrives at 6:07 pm) (7)

**Town Plan Commission Members Absent:** none

**Public Present:** Warren Anderson, Jim Ryder, Liz Ryder, Bob Hartzell, Alan Fischlowitz, Bob Kron, Chris Wolfe, Meg Brown (8)

**Town Staff Members Present:** Jennifer Croonborg; ZA, Jessica Hatch; RCS (2)

**I. Call to Order/Roll Call**

Chair, C. Broberg called the meeting to order at the Town Hall. Roll call reflected members present or absent as recorded above.

**II. Public Comment**

Commissioner M. Starck requests a moment of silence for Big Arn.  
All present engage in a moment of silence.

Jim Ryder requests to speak when the agenda item “V” comes up; which pertains to his CSM.  
Chair says Ryder will be able to speak.

Alan Fischlowitz, acting as the Chair of the Zoning Board of Appeals, asks that “relative to the agenda item “VIII a. Requirements and Restrictions on non-conforming lots,” would it be possible to speak to that early in the evening.”

Chair says OK.

M. Starck moves that we move item “VIII a.” up right after item “V,” which is the Certified Survey Map. M. Childers seconds. All in Favor, 6 aye. Motion Carries.

Warren Anderson comments on the minutes of the Public Hearing. Anderson explains that when he spoke at the Public Hearing and told a story of his involvement in the development of La Pointe, he wanted to make sure it was clear that he had been a member of the Town Board at the time. He also explains that his suggestion in the W-1 Zone to change 18 acre lots to 20 acre lots should be reversed, as he meant to say 20 acre lots to 18 acre lots. Furthermore, Anderson reminds the TPC of an issue he says he comments on often regarding the 200 foot lots east of Benjamin Blvd. that on the lake side were changed to 250 foot lots should be changed back to 200 feet, making both sides the same. He says his hopes are that this will be included.

**III. Review and Approval of Previous Meeting Minutes**

Chair takes a point of order at this point. He explains the ZA requested to discuss the content of meeting minutes. Discussion ensues regarding meeting minutes’ content. The action of Commissioners stating the grounds for their vote and what is stated in the Zoning Ordinance on this matter is discussed. Chair reads from a Robert’s Rules Book, which the TPC have adopted and Town Board has approved as the way the TPC conducts meetings, which states what should

be included in meeting minutes. It is decided that Commissioners will state the grounds for their vote according to Ordinance.

**a. August 20, 2008 Regular Monthly Meeting**

M. Starck moves to approve the minutes as submitted for the August 20, 2008 Town Plan Commission Special Monthly Meeting. S. Soucek seconds. All in favor, 5 aye. 1 abstention (C. Broberg) Motion Carries.

**b. September 3, 2008 Public Hearing**

Commissioners remark on the minutes of this meeting. There are many concerns regarding the content. Action items made by Commissioners as amendments to the draft are as follows:

1. On page 1, second paragraph from the bottom, strike-out “these...opinion.”
2. On page 1, last paragraph, change “sink” to “synch.”
3. For public that submitted a letter and read it into the record during their turn to comment take out the discussion.
4. On page 7, under Warren Anderson’s comment change: “18 acre lots be changed to 20 acre lots” to “20 acre lots be changed to 18 acre lots.”
5. On page 8, in paragraph 5, change “his intentions” to “TPC’s intentions.”

It is decided the Recording secretary will re-submit the draft minutes from the Public Hearing after making the appropriate changes to the document.

L. Carlson moves to table minutes until the next meeting. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

**IV. Zoning Administrator’s Report**

On file.

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

**a. James & Elizabeth Ryder RE Certified Survey Map of Land Parcels 014-00118-1800, 014-00118-1400 & 014-00118-1600 at Big Bay Road and Snowplace Road Sec 21-T50N-R3W**

Jim Ryder tells the Chair that Alan has asked him if he could go ahead of Ryder as he will be short.

M. Starck moves to move Alan up to the spot before Jim Ryder, item “V.” M. Childers seconds. All in favor, 6 aye.

Ryder gives a presentation of his and his wife’s lot situation and their request, showing maps and giving a history of the said parcels’ statuses. Ryder submits a memo to the ZA and TPC which is on file in the Zoning Minutes Book. ZA gives her input making suggestions for how the Ryder’s can legally deal with this dilemma entailing combining the lots, as stated in her ZA Report, which is on file in the Town Hall. Lengthy discussion ensues among Commissioners and Ryder.

**Commissioner Ron Harrold arrives at 6:07 pm.**

M. Childers recommends to the Town Board to approve this Certified Survey Map. R.

Madich seconds. All in favor, 5 aye. 1 abstention (M. Starck). 1 oppose (S. Soucek).

Commissioners state their reasoning for their vote:

- M. Childers votes aye. He states his reasoning is that it doesn’t create a net new number of non-conforming lots. He explains that the approval of the buildings was not probably handled correctly in ’98, but we’re confronted with the existence of three lots and the new configuration does move that property into better compliance with our Zoning and takes the encroachment

issue off the table. Childers states that he is not comfortable with the idea of being able to force a combination

- R. Madich votes in favor. He relays that the lots did exist in 1969. They've done excellent homework, he feels regarding the Ryders. He also states that the idea to combine the lots is beyond, he thinks, what we could even consider.
- S. Soucek opposes the motion. She says she is for combining the lots as suggested by the ZA, in that this would abate the encroachment violation.
- Chair C. Broberg votes aye. He explains he is disappointed that the process was not followed in '99 and that the matter was not addressed properly then. He explains, faced with trying to resolve this issue now, he finds that the proposal addresses greater number of issues and has no impact on the total area and number of non-conforming lots.
- L. Carlson votes aye. She agrees with the points that Childers made. She thinks this moves it closer into compliance.
- R. Harrold votes aye. Harrold feels Childers stated it perfectly plus, he thinks it's the best resolution to the problem.
- M. Starck abstains. Starck will have to vote on this at the Town Board.

## **VI. Old Business**

### **a. Grading and Filling**

ZA explains that Town Foreman, Keith Sowl, has been sending people her way who are interested in putting fill on their land. ZA says she is only interested in maintaining wetlands; there will be no application and no fees for the inspection. She says that if she does an inspection and there appears to be wetlands she will contact a DNR specialist.

## **VII. New Business**

### **a. Titcomb, Dan & Judy RE Rental of Single Family Dwelling (467 Capser Road) Application received 8/27/08 (\$100 fee received 5/29/08)**

ZA explains the issue with these single family dwelling rental applications (items VII a-d). No authorization form with the owner's signature was received until recently, which is late. ZA is seeking to be advised by the Commission on this matter whether to charge a late fee to the Inn, the rental agent. M. Starck moves we don't charge a late fee. L. Carlson seconds. All in favor, 6 aye. 1 oppose (R. Harrold). Motion Carries.

### **b. Santay, Cheri RE Rental of Single Family Dwelling (987 Middle Road) Application received 8/27/08 (\$100 fee received 5/29/08)**

See agenda item VII a.

### **c. Campbell, Charlie and Long, Sandy RE of Single Family Dwelling (3134 Big Bay Road) Application received 8/27/08 (\$100 fee received 5/29/08)**

See agenda item VII a.

### **d. McCue, Madeline RE Rental of Single Family Dwelling (299 Equaysayway Lane) Application received 8/27/08 (\$100 fee received 5/29/08)**

See agenda item VII a.

### **e. Hartzell, Robert RE Review of Landscaping for Lightkeeper's Lodge required by Section 9 of the Conditional Use Permit**

Hartzell is asking the Town if the Landscape Plan he is presenting is an attractive landscape plan as his CUP states he must under condition 9. Hartzell does a presentation of his proposed landscape plan and explains a history of his Shoreline Restoration for Ashland County. He submits a plan for TPC viewing, this is on file in the Zoning Minutes Book.

Discussion ensues on this matter. M. Starck moves that this is an attractive landscape plan for condition 9 of the CUP for Lightkeeper's Lodge. L. Carlson seconds. All in favor, 7 aye. Motion Carries.

**VIII. General Code Project/Ordinance Revision**

**a. Requirements and restrictions on non-conforming (grandfathered) lots. (Tabled from August 6, 2008 and August 20, 2008 meeting)**

A. Fischlowitz, Chair of the Zoning Board of Appeals, questions the status of a letter that was submitted to the TPC from Glenn and Susan Bergeon, received on 9-16-08. Discussion regarding how to go about dealing with non-conforming lots especially on the shoreline ensues. Recording Secretary is directed to make a copy of the Bergeon letter for Fischlowitz. M. Starck moves to return to agenda item "V." L. Carlson seconds. All in favor, 6 aye.

**b. Camping on Private Lands (tabled from August 6, 2008 and August 20, 2008 meeting)**

Commissioner S. Soucek reads into the record a draft version of this ordinance that she prepared for this meeting. Chair explains the genesis of this ordinance; this ordinance is part of the Codification Process. He further clarifies the process this Camping Ordinance is going through. Discussion. In August 2007 submitted a document for this ordinance to Town Board to consider for General Code. M. Starck moves to be done with this and put it in the stack that will be sent to General Code to be codified. L. Carlson seconds. All in favor, 6 aye. 1 opposed (M. Childers).

**c. Zoning Map Review and Changes (tabled from August 6, 2008 meeting)**

Commissioner Childers met with Dick Hoffman to research the history of past Zoning Map Changes. Childers has not yet created a document supporting his findings. R. Harrold moves to table this till the November 19<sup>th</sup> Meeting. L. Carlson seconds. All in favor, 7 aye.

**d. Discussion of September 3, 2008 Public Hearing (RE Revision §3, Additions to §2, Addition of §6.10, Revision §8.4.2 and Repeal §15)**

Chair explains he appeared before the Town Board and suggested a joint meeting for TPC and Town Board to decide what's next to come, which was scheduled. It is decided that TPC will make notes on their feelings and findings from the Public Hearing to bring to the joint meeting for discussion. S. Soucek moves to table. R. Madich seconds. All in favor, 7 aye.

**IX. Future Agenda Items**

- a. Budget**
- b. Minutes from 9-3-08 Public Hearing**
- c. Grandfathered Lots**

**X. Schedule of Meetings**

**a. Joint Meeting with the Town Board at 6 pm on Tuesday, September 30 RE September 3, 2008 Public Hearing and Town of La Pointe Comprehensive Plan adopted April 26, 2006**

This meeting is announced at this time.

**b. Next Town Plan Commission Meeting**

The next TPC meeting will be held on Wednesday, October 1, 2008 at 5 pm at the Town Hall.

**XI. Adjournment**

L. Carlson moves to adjourn. M. Childers seconds. All in favor, 7 aye.

Meeting adjourns at 8:07 pm.

**Town Plan Commission Minutes respectfully submitted by Town Plan Commission Recording Secretary, Jessica L. Hatch on Wednesday, September 24, 2008.**

**TPC Minutes approved as submitted by J. Hatch; RCS, on Wednesday, October 1, 2008.**