

**Town of La Pointe Zoning
Town Plan Commission Regular Monthly Meeting
Wednesday, November 19, 2008**

Town Plan Commission Members Present: Carl Broberg; Chair, Mike Starck, Ron Madich, Suellen Soucek, Ron Harrold (5) (Vice-Chair Michael Childers gave his resignation on 11-18-08)

Town Plan Commission Members Absent: none

Public Present: ~~Chuck~~ Charles Nelson, Alan Fischlowitz, Warren Anderson, Gene Nelson (4)

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 pm at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

~~Chuck~~ Charles Nelson explains the reason he is present is due to the letter regarding Martse, Inc. He speaks to the issue of non-conforming commercial structures.

III. Review and Approval of Previous Meeting Minutes

a. November 5, 2008 Special Monthly Meeting

S. Soucek moves to accept the minutes as presented. M. Starck seconds. All in favor, 4 aye. 1 abstain (R. Harrold). Chair states the minutes are approved as presented.

IV. Zoning Administrator's Report

ZA gives a brief oral report.

V. Consideration and/or Action of Permit Applications

a. Land Use Application by Town of La Pointe for Addition/Alteration at 241 Big Bay Road

M. Starck moves to waive fees on the Land Use Application by the Town for an addition/alteration at 241 Big Bay Road. R. Harrold seconds. All in favor, 5 aye. Motion Carries.

VI. Old Business

a. Review of November 11, 2008 Town Board clarification re Land Use Application process for properties with Conditional Use Permits

M. Starck explains that the Town Board passed a motion that all Land Use Applications get handled by the ZA, if she has any questions she will go to the TPC for clarification, if the TPC can't clarify they will refer it to the Town Board.

b. Zoning Administrator Letter dated November 11, 2008 to Martse, Inc. re Addition/Alteration at 807 Bell Street

Chair responds to the letter. Chair makes sure the record is clear that no motion had been made *at the November 5, 2008 meeting* regarding footings and foundation *nor was there any decision made by the TPC to require the building be moved.*

c. Requirements and restrictions on non-conforming (grandfathered) lots. (Tabled from August 6, 2008 and subsequent meetings)

Alan Fischlowitz joins the TPC at the table to discuss findings of a committee that is researching "grandfathered lots." Mr. Fischlowitz presents a working draft to the Commission as a starting point on this matter. This document is on file at Town Hall in the Official Zoning Minutes Book. Discussion follows, the committee will continue working on this issue.

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- d. **Letter from Glenn and Susan Bergeon dated September 16, 2008 regarding use of their non-conforming lot. (Tabled from the October 1, 2008, October 15, 2008 and November 5, 2008 meetings until December 3, 2008)**

This item is tabled until the December 3rd TPC meeting.

- e. **Review and Recommendation of 2009 Schedule of Fees for Zoning Permits (Tabled until December 3, 2008)**

This item is tabled until the December 3rd TPC meeting.

VII. New Business

- a. **Amendment and Approval of Town Plan Commission meeting minutes**

The process of proper minutes' approval was discussed at the last Town Board meeting. This is considered and addressed. Procedure will be that if draft minutes are amended they must be presented at the next meeting for final approval.

- b. **Resignation of Michael Childers from the Town Plan Commission**

M. Childers gave his resignation letter to the Town Board Chair on November 18, 2008. Childers was the TPC Vice-Chair, thus this position will need to be filled, this will be addressed at the next scheduled TPC meeting.

- c. **Craftivity, LLC re foundation fill for Three (3) Housing Cottages-project beginning after approval but before permit issued.**

ZA explains this situation and is requesting double fees be charged to this applicant. Discussion ensues on this matter. M. Starck moves not to refund the \$150.00 for fill permit. S. Soucek seconds. All in favor, 5 aye. Motion Carries.

- d. **Letter from William Bussey dated November 5, 2008 re Ron Lacey Adverse Possession Claim.**

Chair hands out copies of the State Statutes for "adverse possession" and a map of the said area; these documents can be viewed at the Town Hall in the Official Zoning Minutes Book. It is determined that a town road, 7th Street, is involved in this matter and thus the Town Board must address the issue. Discussion ensues. Chair will draft a letter regarding this matter. M. Starck moves to refer to Town Board the question regarding disposition of 7th Street for Ron Lacey's Adverse Possession. S. Soucek seconds. All in favor, 5 aye. Motion Carries.

- e. **Letter from Gene Nelson dated November 11, 2008 re Request for copy of Brummer Co. CUP or equivalent.**

Chair gives a summary of this matter. Mr. Gene Nelson gives explanation of his accusations as well as summarizes the situation. Lengthy discussion ensues among all present. Mr. Nelson is questioning the enforcement of our Zoning Laws; because this complaint is toward the TPC, the Commission feels it should go to the Town Board. S. Soucek moves to refer packet to Town Board for them to make a decision on it. R. Madich seconds. All in favor, 5 aye. Motion Carries. ZA will forward information on to the Town Board.

- f. **New position description for Zoning Administrator approved by Town Board.**

For TPC's information. ZA's description is active immediately.

- g. **New position description for Zoning Clerical Assistant approved by Town Board.**

Recording secretary position will dissolve at end of the year. The Zoning Clerical Assistant position becomes active January 2009. If present Recording Secretary does not take position it will be posted for hire.

VIII. General Code Project/Ordinance Revision

- a. **Project Status Review**

Chair hands out copies of "La Pointe Codification/Ordinance Review Status," on file in the Official Zoning Minutes Book.

- b. **Zoning Map Review and Changes (tabled from August 6, 2008 and September 17, 2008 meetings until November 19, 2008 meeting)**

M. Starck moves to table item VIII-b until the next meeting on December 17, 2008. R. Madich seconds. All in favor, 5 aye. Motion Carries.

c. Amendments to draft recommendation:

i. § 3 (Zoning Districts)

At a previous meeting Chair distributed the draft revision to this ordinance; Commissioners review this document. Lengthy discussion on this matter and considerations of the ordinance. R. Harrold moves to table till the next meeting. M. Starck seconds. All in favor, 5 aye. Motion Carries.

ii. § 2 (Definitions)

See above motion.

IX. Comprehensive Plan (Update on status of distribution of correct version)

M. Starck directs Recording Secretary to see Larry for the updated versions of the Comprehensive Plan for distribution to the TPC.

X. Future Agenda Items

- a. **Bergeon Letter**
- b. **Schedule of Fees for 2009**
- c. **Grandfathered Lots**
- d. **Zoning Map Review**
- e. **TPC Vice-Chair**
- f. **§ 2 (Definitions)**

XI. Schedule of Meetings

It is decided that the December 3, 2008 TPC Special Monthly Meeting is cancelled. The next TPC meeting will be Wednesday, December 17, 2008 at the Town Hall at 5 pm.

XII. Adjournment

M. Starck moves to adjourn. S. Soucek seconds. All in favor, 5 aye. Chair states the meeting is adjourned.

TPC meeting ends at 7:32 pm.

Town Plan Commission Minutes respectfully submitted by Town Plan Commission Recording Secretary, Jessica L. Hatch on Monday, November 24, 2008.

Minutes are approved as amended by J. L. Hatch on Wednesday, December 17, 2008. Deletions struck-out and additions in italics.