

**Town of La Pointe Zoning
Town Plan Commission Regular Monthly Meeting
Wednesday, January 21, 2009**

Town Plan Commission Members Present: Carl Broberg; Chair, Mike Starck, Ron Madich, Suellen Soucek, Greg Thury (5)

Town Plan Commission Members Absent: Ron Harrold; Vice-Chair (1)

Public Present: Paul Brummer, Charles Brummer, Joe McCarthy, Steve McHugh, Linda Geier, Charles Nelson, Meg Brown, Chris Wolfe, Beth Fischlowitz, Jim and Liz Ryder, Warren Anderson, Lois Carlson, Ric Gilman, Greg Nelson (15)

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

I. Call to Order/Roll Call

Chair, C. Broberg called the meeting to order (at 4:41 pm) at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

Paul Brummer asks a question to the Chair regarding if someone has a grievance by the decision of 5a; wondering if anyone can appeal or only those within so many feet.

The ZA fields the question by reading a quote from the Ordinance and states that any person or officer in the department may appeal to the Zoning Board Of Appeals.

Joe McCarthy questions whether the Town Plan Commission will address the violation by the Ryder's regarding the number of lots they possess and their building permits that he presents in his letter.

Chair reminds that this is Public Comment not a continuation of the Public Hearing.

Jim Ryder states that he has three deeds, three parcels and three separate tax bills.

III. Review and Approval of Previous Meeting Minutes:

a. Town Plan Commission Regular Monthly Meeting December 17, 2008

M. Starck makes a motion to approve the December 17, 2008 minutes as amended. S. Soucek seconds. All in favor, 5 aye.

b. Town Plan Commission Special Meeting January 7, 2009

G. Thury moves to accept the minutes as drafted. M. Starck seconds. All in favor, 5 aye.

IV. Zoning Administrator's Report

ZA explains her monthly report to Town Board will be included in her next report. She doesn't have anything to report that is not an agenda item right now.

V. Consideration and/or Action of Permit Applications:

a. Amendment of Zoning Map portions of Land Parcels 014-0018-1800, 014-118-1400 & 014-0118-1600 (at Big Bay Road and Snowplace Road) Section 21-T50N-R3W by Jim and Liz Ryder

Commissioner Starck says he is going to abstain from voting. He explains the attorney opinion says he doesn't have to, but he will because he signed the letter in favor. He recuses himself from the table. Chair states he will go before the Town Board next Tuesday to establish a policy

that the Town Plan Commission be notified when an attorney's opinion is requested concerning items that are before the Commission. Chair reads the following motion. Chair Broberg moves:

Whereas, Jim and Liz Ryder have petitioned for an amendment of the zoning map on November 25, 2008 as described in the supplemental information requested by the Town Plan Commission and received on January 9, 2009

And

Whereas, the two lots (identified as lots numbers 014-00118-1800 and 014-00118-1600) each presently lay in both S1 (Shoreland Protection District) and W1 (Wilderness Preservation District 1) circumstances which generally creates a hardship for property owners as previously discussed by the Town Plan Commission

And

Whereas, the Petitioners have requested to amend the zoning map to remove from the W1 Zone and attach it to the immediately adjoining S1 Zone with the intent of reconfiguring three adjoining non-conforming lots owned by the Petitioners separately into three conforming lots with each lot located in a single zone (not multiple zones)

RESOLVED, The Town of La Pointe Zoning and Planning Commission having reviewed the application with consideration given to the criteria as set for in the applicable Town of LaPointe Ordinance and Wisconsin Administrative Code and finds the request a reasonable solution eliminating three non-conforming lots

And

THEREFORE, is in favor of granting the Petition as amended by the submission dated January 9, 2009 and recommends the Town Board of Supervisors take action to approve the request with the provision the Petitioner must file a Certified Survey Map (CSM) creating the conforming lots as represented in Exhibit C dated November 24, 2008 of the Petition requesting the amendment of the Zoning Map.

S. Soucek seconds. Discussion. All in favor, 3 aye, 1 opposed (GT), 1 abstain (MS). Motion Carries 3 to 1.

b. Land Use Application dated December 29, 2008 at N807 Bell Street for the addition of a 780 square foot deck by Steve McHugh (d.b.a Bell Street Gallery)

Discussion ensues among Mr. McHugh, the Commission, and the ZA regarding the said application as well as the non-conforming structures issue on McHugh's property. It is determined that Mr. McHugh had checked the addition/alteration box, but should have checked the accessory structure box. McHugh says he would like to amend the application. M. Starck moves to approve the application as amended to do construction. S. Soucek seconds. All in favor, 5 aye.

VI. Old Business

a. Review of recommendations submitted to the Town Plan Commission for definition, area setback requirements for non-conforming lots created prior to September, 1972 ("Grandfathered Lots".) (Tabled from August 6, 2008)

Review of Alan Fischlowitz's re-draft of 4.3 Supplementary Regulations, sub-paragraph 3. Non-conforming (Grandfathered) Lots dated 1-12-09. S. Soucek moves to accept this draft 4.3 (3) dated 1-12-09 and put it on for the Public Hearing as written. M. Starck seconds. All in favor, 5 aye.

b. Letter from Glenn and Susan Bergeon dated September 16, 2008 regarding use of their non-conforming lot. (Tabled from the October 1, 2008)

M. Starck moves to table item 6b until our March 18th TPC meeting. R. Madich seconds. All in favor, 5 aye.

c. Letter from William Bussey dated November 5, 2008 re Ron Lacey Adverse Possession Claim. (Tabled November 19, 2008 pending Town Board direction on 7th Street vacation.)

This item is still pending Town Board direction. M. Starck gives a Town Board update on this issue. Chair will keep this item on the agenda.

d. Vacant Position on Town Plan Commission

There has been a letter of interest submitted to the Town Board.

e. Filling and Driveways (Tabled on January 4, 2009 until February 4, 2009)

Tabled until the February 4, 2009 Town Plan Commission Special Monthly Meeting.

f. Permit Refunds (Tabled on January 4, 2009 until February 4, 2009)

Tabled until the February 4, 2009 Town Plan Commission Special Monthly Meeting.

VII. New Business

a. Permit Requirements for Long Term Rental of Dwellings

M. Starck gives an update, Town Board is looking at the regulation of these permit requirements. Long Term Rental Fees are discussed.

b. Review of proposed “Rental of Single Family Dwelling (RSFD)” Permit form.

ZA made a rental placard which will be issued upon rental permit issuance and should be displayed in the rental. S. Soucek moves to adapt the Town of La Pointe rental permit form as it has been submitted. M. Starck seconds. All in favor, 5 aye.

VIII. General Code Project/Ordinance Revision

a. Zoning Map Review and Changes (tabled from August 6, 2008)

G. Thury moves to table Zoning Map Review and Changes until the March 18th 2009 meeting. S. Soucek seconds. All in favor, 5 aye.

b. February 18, 2009 Public Hearing Agenda/Change Review

i. § 3 (Zoning Districts)

Secretary will compile a list of property owners to be notified regarding this Proposed Scenic Shoreline Preservation Overlay District for the Public Hearing per Town Ordinance. Shoreline Overlay (S-O) and Floodplain Overlay (F-O) Districts are discussed; it had been proposed to delete these from the Ordinance. It has been decided to no longer make that recommendation to Town Board; these districts will stay in our Ordinance. ZA will research if the present Shoreline and Floodplain Sections of our Ordinance are still in compliance with the Ashland County Ordinance. Chair will work on the agenda for this Public Hearing scheduled for February 18, 2009.

ii. § 2 (Definitions)

Public Hearing scheduled for February 18, 2009.

iii. § 4.3(3) Non-Conforming (Grandfathered) Lots

Public Hearing scheduled for February 18, 2009.

iv. § 4.3(4) Camping on Private Lands

Public Hearing scheduled for February 18, 2009.

IX. Future Agenda Items

a. Filling and Driveways (2-4-09 SMM)

b. Permit Refunds (2-4-09 SMM)

c. Bergeon Letter (3-18-09 RMM)

d. Bussey Letter (3-18-09 RMM)

e. Zoning Map Review and Changes (3-18-09 RMM)

X. Schedule of Meetings

The next Town Plan Commission meeting will be a Special Monthly Meeting on Wednesday, February 4, 2009 at 5 pm at the Town Hall.

XI. Adjournment

R. Madich moves to adjourn. S. Soucek seconds. All in favor, 5 aye. Meeting ends at 6:35 pm.

Town Plan Commission Minutes respectfully submitted by Zoning Clerical Assistant, Jessica L. Hatch on Monday, January 26, 2009.