

**Town of La Pointe Planning and Zoning Town Plan Commission
Regular Monthly Meeting**

Wednesday, April 7th, 2021 4:00PM

Members Present: Suellen Soucek, Chair; Mike Starck, Vice Chair, Paul Wilharm, Samantha Dobson, and Jim Peters.

Staff Present: Ric Gillman, ZA

Public Present: Paul Brummer, Charley Brummer, Ted Pallas, Chris Pallas, Chad Binsfield and John Soucek.

I. Call to Order/Roll Call

Chair calls the meeting to order at 4:00 PM. Roll call reflects members in attendance identified above.

II. Public Comment

Paul Brummer requests the TPC allow for public comment to be included in the agenda at the end of these proceedings, as he feels public comment related to issues that are discussed would be appropriate. The Chair states she will consider the possibility. Paul also points out that he and Ted Pallas are on the Madeline Island Sanitary District Board which constitutes a quorum and clarifies no business related to the Sanitary District will be discussed.

Starck motions to address item V. c. below to accommodate Mr. Binsfield and the Ferry schedule. Wilharm seconds, 5 Ayes motion carries.

Mr. Binsfield describes his plan to combine two lots he owns just east of Mondamin Trail in the R-3 Zoning District. He wants to build a dwelling that will house a "Home Occupation". This is a permitted use in the district. Some discussion related to permitted "Home Occupation" and "Home Business" (not a permitted or a conditional use in R-3). Mr. Binsfield states he is aware of the parameters of "Home Occupation" and believes his plan fits the definition. Mr. Binsfield will work with the ZA in developing his plan and have permits approved through the TPC, prior to issuance.

Starck motions to return to item III, Peters seconds, 5 Ayes motion carries.

III. Approval of Previous Minutes

a. Town Plan Commission Regular Monthly Meeting March 10th, 2021

Chair points two missing words, "*copy*" insert after *hard*, in V. b. and "*a*" before *permanent*, in V. b. i. 2. Starck motion to approve as modified, Peters seconds, 5 Ayes motion carries.

IV. Zoning Administrators report and update

ZA report placed on file by unanimous consent. The ZA distributed a portion of SPS 320.04 Applications (State Statutes). Drawing attention to:

320.04 (5) REUSE OF A DWELLING OR FOUNDATION

(a) Existing dwelling or manufacture home placed on a different foundation. Where an existing dwelling or manufacture home is placed on a different foundation, the new foundation is considered an addition or alteration to the existing dwelling or manufactured home.

Note: The applicability of this code to an addition or alteration to the existing dwelling or manufactured home is determined by the original date of construction of the dwelling or manufactured home and is not altered by any movement of the structure.

SPS.05 Exemptions

EXISTING DWELLINGS. The provisions of this code shall not apply to dwelling and dwelling units, the construction of which was commenced prior to the effective date of this code, or additions or alterations to such dwellings.

Note: The provisions of chs. SPS 320 to 325 may be adopted by a municipality to apply to any additions to existing dwellings.

The ZA also distributed Town of Ordinance Chapter 205 BUILDING CONSTRUCTION, drawing attention to ARTICLE I

205-1 Pursuant to 101.65, Wis. Stats., the Town Board adopts a building code for new one- and two-family dwellings and all new additions and alterations to one- and two-family dwellings built since June 1, 1980. This article shall incorporate by reference Chs. SPS 361 through 366, Wis. Adm. Code, the Uniform Dwelling Code (UDC) and all the amendments thereto.

205-5 B. Additions or alterations to one- two family dwellings constructed before June 1, 1980, and all new additions or alterations to existing attached accessory buildings shall be exempt from the requirement of obtaining a UDC building permit; however, the current Uniform Dwelling Code shall prevail.

This was brought to the attention of the TPC as there is some confusion related to inspections needed for a cabin recent relocated on a new foundation of Chippewa Trail. This cabin was moved in October of 2020 from a property in the same vicinity of Chippewa Trail. The ZA will consult with James Price of Alder Engineering (Town of La Pointe Building Inspector), seeking clarification of statute and related ordinance.

It appears to the ZA that by statute and related ordinance this cabin, being constructed prior to June 1, 1980 would be exempt from UDC inspection.

V. New Business

a. Robert Hartzell – “Into the Woods” article in the 3/21/21 Island Gazette, related to proposed “Commercial Activity” in a residential zone.

The ZA addressed the concerns and correspondence between himself and Bob Hartzell regarding the article placed by Mr. Hartzell in the most recent Gazette. Specifically offering rides and meal service to his newly acquired property locally referred to as “Wayne’s World”. The ZA sees this as a “Commercial Activity” in a zone where it is not permitted or eligible for a Conditional Use Permit. Considerable discussion was presented by Commissioner Starck in what could be allowed. It is the consensus of the TPC that this does in fact represent commercial activity and an extension of his business activity.

b. Certified Survey Map Stephen and Jenny Collins, Owners

-Parcel #014-00116-0400 – A Parcel of Land located in Govt. Lots 1 and 2 and the SE ¼ SE ¼ Sec. 20 T50N R3W

Recommendation for the Town Board to approve or deny

Review reveals the existence of an outlot which will be absorbed by the CSM and not alter any surrounding property.

c. Chad Binsfield – Plans and proposal for dwelling and Home Occupation.

Parcel #: 014-00214-0700 LOT 6 MONDAMIN CIRCLE 2 .03A

Parcel #: 014-00214-0600 LOT 5 MONDAMIN CIRCLE 2 .031A

Mr. Binsfield is invited to present his proposal to the Town Plan Commission.

Addressed above.

d. Junk Survey review of input to date.

TPC reviews data available to date. Peters asks if there is a social online presence directing the public to the survey. The ZA will consult with the Town Clerk. There was also some discussion of allowing the survey to continue through May of 2021, as it may be more reflective of summer residents. The ZA will speak with the Town Administrator regarding extending the timeline.

e. Draft definition(s) review and update

Commissioner Peters and the ZA will meet for a final draft of language. Some concerns expressed regarding “not limited to”. Language clarity will be drafted regarding “Incidental Structure, Dwellings” The ZA believes dwellings are subject to inspection and therefore “limited to” may not be necessary.

f. Recommendation to the Town Board for appointment of Town Plan Commissioners to fill vacancies of terms expiring 4/31/21.

Peters motions to recommend to the Town Board that the current Commissioners (Starck and Soucek) to continue on the Town Plan Commission, Wilharm seconds, 4 Ayes, 1 abstain (MS) motion carries.

Peters motions to recommend to The Town Board that Soucek continue as Chair of the TPC, Dobson seconds, 5 Ayes, motion carries.

g. Commissioner Reports:

i. Peters: Junk Ordinance coordination (addressed above)

Addressed above

ii. Wilharm: Fire Numbers

Nothing new, though the Fire Chief and Ambulance Director have volunteered to participate in meeting with the County or others in relation to fulfilling requirements for the enhance 911 fire number system.

iii. Dobson: Camping Units

Nothing.

iv. Starck: Hartzell Proposal

Nothing more than has been discussed and distributed.

h. Review Section 1 of the Comprehensive Plan

i. ZA report and update on missing appendix in current plan.

The ZA has located the master of the current Comprehensive Plan. The Appendix missing was the results of a Community Survey. This master has been lent to Commissioner Peters for review. It is the consensus of the TPC to address this plan in relation to any language changes which may be considered for insertion in Zoning Ordinance.

VI. Old Business

a. Hartzell Proposal update/correspondence

Addressed above.

b. Hartzell petition for Map Change

**i. Parcel #014-00192-0600 Legal Description: South 254' of W ½ SW1/4 SW ¼
Less MP Condominium V 404 PG 377 & V 473 PG 702 Sec 29 T50N R3W
3.28A.**

**ii. Recommendation to approve or deny to the Town Board or defer per
Hartzell request.**

Tabled.

VII. Future Agenda Items

- a. CSM (Richards)
- b. CSM (Peterson)
- c. Pre-1980 UDC Exemptions
- d. Hartzell Petition for Map change
- e. Definitions
- f. Extended Public Comment consideration.

VIII. Next Scheduled Meeting

Wednesday, May 5th, 2021 at 4:00PM

IX. Adjournment

Chair Soucek adjourns at 5:46PM

Respectfully submitted by Ric Gillman, ZA on April 8, 2021 Approved 5/5/21