

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

**Wednesday, June 9<sup>th</sup>, 2021, 3:00PM**

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

Staff Present: Ric Gillman, Zoning Administrator and Michael Kuchta, Town Administrator

Public Present: Chad Binsfield, Robert Hartzell, Madeline Hartzell, Marie Iannazzo, and Ken Peterson

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

Chair calls the meeting to order @ 3:00PM, roll call reflects members identified above.

### **II. Public Comment**

Chair welcomes the new Town Administrator, Michael Kuchta.

### **III. Approval of Previous Minutes**

#### **a. Town Plan Commission Regular Monthly Meeting May 5<sup>th</sup>, 2021**

Starck motions to approve the minutes as submitted, Wilharm seconds, 5 Ayes motion carries.

### **IV. Zoning Administrators report and update**

#### **a. Written and Verbal Report**

ZA provides written report for review including an addendum. The addendum is offered as not all Ashland County Permits were reflected at the time of the report's submission.  
Place on file.

ZA distributes materials and a letter which may result in an application for a "Special Exception". These materials included a letter from property owned by Bliefuss, the TPC responsibilities and authority in "Special Exception" application and minimum Ashland County shore land lot requirements. The ZA will discuss this with the property owner should he chose to pursue.

### **V. New Business**

#### **a. Chad Binsfield, Owner, Certified Survey Application**

**Parcel #014-00214-0700** Described as: Lot 6 Mondamin Circle 32-50N-03W

**Parcel #014-00215-0600** Described as Lot 5 Mondamin Circle 32-50N-03W

**Intends to combine Parcels.**

**Recommendation for the Town Board to approve or deny**

**General Discussion with Mr. Binsfield regarding "Home Occupation" plans related to the property and consensus of Town Plan Commission regarding issuance of permits.**

ZA declares combining these lots conforms with Zoning requirements. Starck motions to recommend approval to the Town Board for the Certified Survey, Wilharm seconds, 5 Ayes motion carries.

Mr. Binsfield was engaged in discussion regarding his building plans and pursuit of a "Home Occupation". Defining "Home Occupation as a opposed to "Home Business" (not a use permitted or conditionally permitted in R-3). Mr. Binsfield believes his plan fits within the parameters of the "Home Occupation" definition. He also indicates a willingness his plan in co-ordination/agreement with the TPC. He is invited to attend the next scheduled TPC meeting to further establish his plan and define parameters.

#### **b. Rober Hartzell, Owner Certified Survey Application**

**Parcel #014-00206-0200 Described as:** LOT 1 CERTIFIED SURVEY 590 PT OF NE NW SEC 32 T 50N R3W 4.13AS

**Parcel #014-00206-0210 Described as:** LOT 2 CERTIFIED SURVEY 590 PT OF NE NW SEC 32 T50N R3W V 696 PG 712 2.09AS

**Intends to combine Parcels**

**Recommendation for the Town Board to approve or deny.**

ZA declares the combining of these lots conforms with Zoning requirements. Starck motions to recommend approval to the Town Board for the Certified Survey, Wilharm seconds, 5 Ayes, motion carries.

**Discussion: Mr. Hartzell would like to discuss the applicability of the CUP issued for the Spa to this new Certified Survey. TPC will review language related to the issued CUP and determine the possible need for application of amendment.**

The ZA distributed

- 2 letters authored by Mr. Hartzell to the Chair of the TPC (Barb Christenson) dated 9/22/2007
- 1 letter authored by Mr. Hartzell to the Chair of the TPC (Barb Christenson) dated 7-05-2007
- An excerpt of the ZA report dated 7-07-2007
- Page 66 from Zoning Ordinance regarding Conditional Use Permitting procedures.

It is the consensus of the TPC that the original Conditional Use Permit for the “Spa” has expired by ordinance as it defines a timeline for completion of the permit to expire in 12 months, or extension of the permit given it as a works in progress. While Mr. Hartzell received a Conditional Use Permit in 2007, he has not acted upon privileges provided.

For the development of the Spa/exercise facility, the TPC is requiring a new Conditional Use Application, which can include the conjoined properties (above) should the Certified Survey meet approval by the Town Board.

**c. Kenneth Peterson and Christine Thompson, Owner. Parcel #014-00445-0200**

Described as: LOT 2 BLOCK 42 VILLAGE OF LAPOINTE V 599 PG 431 662 Main Street 31-50N-03W

**Cheryl Moseng, Owner. Parcel #014-00445-0200**

Described as: LOT 1 BLOCK 42 & 1/2 VAC 13TH ST. ADJ VILLAGE OF LAPOINTE V 599 PG 430 31-50N-03W

**Persons above are pursuing an equitable division of these properties, as was granted by the previously by the Zoning Board. The recording of this division was never Certified. It is the request of the owners to have this granted division recorded through a Certified Survey but have the fee of application waived. Documentation of this granted request is reflected in the preserved minutes of The Zoning Board.**

The ZA distributed correspondence and historic agreement between the property owners and the Zoning Board granting permission for these two lots to be equally divided. While this is evidence of record the following survey was never accurately record by the County Land Description Office. The ZA clarifies that the CSM still must go before the Town Board for final approval. Starck Motions to waive the application fee, Wilharm seconds, 5 Ayes motion carries.

- d. **Craftivity, Inc., Owner. Parcel 014-00179-0300 Described as:** NE1/4 SW1/4 NORTH OF HWY LESS EAST 660' SEC. 28 T50N R3W 17.50A DOC # 341373 LAND CONTRACT S 28- 50N-03W

**This property is not covered nor encumbered by the Conditional Use Permit issued to Craftivity. Mr. Meech is seeking guidance and applicability of an RV on this parcel for the purpose of housing an employee.**

ZA clarifies this would not be eligible as a vacation rental and would require at a minimum a non-plumbing Sanitary Permit. Mr. Meech feels the current ferry schedule is not workable with his scheduled employesss, and it his desire to accommodate an employee with quarters.

It is the consensus of the TPC that the property is eligible for a Camper/RV and not encumbered by the Conditional Use Provisions to other Craftivity property.

e. **Junk Survey**

- i. **Review complete results and related report**
- ii. **Motion to forward or table to the Town Board with or without recommendation.**

Lisa Potswald forwarded the results of the online survey and the ZA made copies of hand submitted results. The TPC has requested that Commissioner Peters, and the ZA develop a summary of the results and forward it to the Town Board without recommendation. The Town Board may direct the TPC specifically to act or not act. The summary of this survey may be published in the Gazette following presentation and direction from the Town Board.

f. **Commissioner Reports:**

- i. **Peters – Junk (addressed above)**
- ii. **Dobson – Campers**

Dobson has provided the ZA with a list of a few Camp Units which may be in question.

iii. **Wilharm – Fire Numbers**

No progress. Starck clarifies the Ambulance Director and Fire Chief along with Wilharm and ZA are pursuing this issue.

iv. **Starck – Hartzell Project**

Mr. Hartzell again reiterated plans regarding the “Expandable Condominium”. He presented a (brochure) identifying permanent canvas sided and roofed structures. He believes these qualify as single-family dwellings.

VI. **Old Business**

a. **Hartzell petition for Map Change**

The TPC granted Mr. Hartzell’s request to postpone the recommendation to deny this application for a period not to exceed 6 months, he has not brought forward any evidence related to public input already received.

- 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**

Peters motions to recommend denial of the application, Wilharm seconds

The Chair calls a voice vote and rationale.

- Soucek – Aye, per opposition stated by adjacent property owners.
- Peters – Aye, same as above.

- Wilharm – Aye, Same as above.
- Dobson – Aye, same as above.
- Starck – Nay. Believes granting the change brings the marina (dockage) located on the property into Zoning compliance.

By a voice vote of 4 Ayess and 1 Nay, the TPC recommends denial of this map change and will forward such to the Town Board. Mr. Hartzell has been informed that the final decision is vested with the Town Board, and he can advocate for this change directly, should he so choose.

Mr. Hartzell requests in lieu of the Map Change a letter from Zoning clarifying his right to operate the dockage be authored by the Zoning Administrator.

*Annotation: The ZA will attempt to compile relevant information related to this request and find if this was originally granted as dockage for Marina Point Condominiums, or if it stands alone.*

**VII. Future Agenda Items**

- a. Binsfield Home Occupation**
- b. Junk Survey and Summary**
- c. Response of the Town Board to issues related or forwarded above**
- d. Fire Numbers**
- e. Discussion possible dates for Public Hearing on definitions and other items which may be considered for insertion into Zoning Ordinance.**

**VIII. Next Scheduled Meeting**

Wednesday July 7<sup>th</sup>, 2021, at 4:00PM

**IX. Adjournment**

Chair adjourns at 4:00PM

*Respectfully submitted by Ric Gillman, ZA on 6/10/21*

*Approved on July 7<sup>th</sup>, 2021*