

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

Wednesday, August 4th, 2021, 4:00PM

Members Present: Suellen Soucek, Chair; Mike Starck, Vice Chair; Jim Peters; Paul Wilharm and Samantha Dobson (4:10PM)

Staff Present: Ric Gillman ZA and Michael Kuchta TA

Public Present: John Soucek and John Carlson

I. Call to Order/Roll Call

Chair calls to order @ 4:00PM roll call reflects members present listed above. Dobson arrives at 4:10PM.

II. Public Comment

None

III. Approval of Previous Minutes

a. Town Plan Commission Regular Monthly Meeting July 7th, 2021

Word insertion and typo noted. Peters motions to approve as amended, Starck seconds, 4 Ayes, Moition carries. (Dobson not in attendance at vote)

IV. Zoning Administrators report and update:

a. Legal Correspondence

ZA updates the Commissioners regarding a brief conference call with the Town's Attorney (Lindsey) the Town Administrator and the Zoning Administrator regarding "Expandable Condominiums" proposed by Robert Hartzell. Lindsey is going to seek review of the Hartzell project with Mr. Hartzell's Attorney John Carlson. Lindsey indicates we may be able to deal with some concerns with Zoning updates.

b. Other pending issues for discussion

ZA addresses the need for text updates in current Zoning and will address this below. The ZA report dated 8/3/21 is placed on file with unanimous consent.

V. New Business

- a. Wright/Schuppe preliminary review of CSM proposal Parcel #014-00086-0200 Described as E ½ SW ¼ Less East 8 Rods S14 T50N R3W 16A Owner, Wright. Parcel #014-00097-0100 Described as E ½ NW ¼ V 660 Pg. 4 S14 T50N R3W 20A Easement V 476 Pgs. 345 &346**

i. Information distributed by the ZA for discussion (Below)

The County has taken the stance that County H or by other names (Middle, Black Shanty, Big Bay or Main) dissecting a property in fact creates separate parcels. Given that, the northwest portion of Schuppe's parcel # 014-00097-0100 is considered an out lot.

It is the request of both parties that a preliminary opinion or consensus be considered prior to filing an application for a Certified Survey.

The parties would like to have the northwest portion of the Schuppe property to be absorbed in the 16 acres parcel owned by Wright 014-00086-0200 (a legal nonconforming lot of record).

This northwest portion is approximately 0.7 acres.

Benefits

1. It eliminates the existence of the out lot as defined by the County
2. It provides additional road frontage to the Wright property
3. It increases the Wright parcel bringing it closer to conformity (from 16 acres to 16.7 acres)

Concerns

1. It reduces the Schuppe property holdings from 20 acres to 19.3 acres

It is the opinion of the ZA that the County imposing a ruling of the separation of lots, thus creating out lots and in this case 2, (that of 19.3 and 0.7) it is in the interest of Zoning to eliminate out lots when possible. And efforts to move toward conformity should be considered.

It is the consensus of the Town Plan Commission that the request is reasonable. The ZA will inform the parties of this consensus and reflect this consensus not as an approval of the CSM. The parties may apply for such should they so choose.

b. Norm Castle – Review of “substantial completion” and height restrictions. Parcel #014-00054-0770 Described as WEST 208.065' OF EAST 595.9' OF GOVT LOT 2 SEC. 7 T50N R2W LAND CONTRACT

i. Zoning Administrator update and verbal correspondence with owner.

The underlined below is pasted from a memo to TPC on this date which includes an excerpt from TPC Regular Monthly Meeting minutes on 11/4/2020 (underlined), annotation by the ZA in bold and ordinance as indicated.

ZA asks the chair for permission to address Norm Castle, granted. Mr. Castle presented a history of the property and expressed frustrations with the Town of La Pointe. He asked the ZA to confirm his statements regarding this history. The ZA confirmed the Town had misapplied or overlooked some Zoning issues related to his property, and the delay in receiving permission to build. There was discussion between him and the ZA, regarding the height of the under-construction building. He stated he had no architectural plan and was primarily building with materials available. (Note: He has met with the building inspector on site.) The TPC reviewed the correspondence between the ZA and Mr. Castle, including a method of height measurement utilized by Ashland County.

Mike Starck discussed the measurement method and felt an accurate measurement could only be obtained following construction and fill. The ZA asked for that to be presented as a motion to the body. Starck motioned that the building height be determined at completion of the work, Wilharm seconds, 4 Ayes motion carries.

Annotation: Mr. Castle is free to continue and complete his project, and these minutes serves as granted

As you see we determined at completion. While we have an ordinance that addresses “Substantial Completion”.

SECTION 8.3 Land Use Permits

C. Expiration

Land Use Permits for construction, alteration, or removal of structures shall expire twenty-four (24) months from their date of issuance unless substantial completion has occurred within such time. Land Use Permits for land use changes shall expire twenty-four (24) months from their date of issuance where no action has been taken to accomplish such change and an extension has not been granted.

Substantial completion shall be defined, where applicable, as "foundation in" and, where applicable, "external walls up, windows in, roof on, doors installed."

We did not define “completion” in the deliberation addressed above. I have spoken with Mr. Castle, and we have agreed that completion could be considered at “Certificate of Occupancy”. We may wish to elaborate more definitively on these issues in the future.

It is the consensus of the TPC accept the completion of this project at “Certificate of Occupancy” at which time the height will be determined and assure compliance to Zoning Ordinance.

c. Signage

i. David Thomas – Request for a Land Dedication sign (100 Acres) 3 Parcels located east of Schoolhouse Road placed in Madeline Island Trust informational dedication sign. Fee and size requirements.

ii. Wilderness Preserve – Informational signs at trails head utilized through 900 Acres. 3 trail heads for ingress and egress. Fees and size requirements.

ZA request these items be discussed collectively. It is the consensus of the TPC that the 50.00 per fee is applicable.

d. Parking area at Trail heads Wilderness Preserve – Permitted Use/Conditional Use Driveway access. Discussion.

Considerable discussion. The Zoning Ordinance does not identify a Parking lot as a permitted or conditional use in W-2. The applicants have the right to apply for a permit for Driveway access, though the intended use is for parking. Peters suggests that the Wilderness Preserve can apply for a “Use Variance” and recommends waiving the “Variance” fee as the exclusion of parking lot as permitted or conditional may have been inadvertently overlooked when written. It is also suggested that revisions in Zoning or updates may include the provisions outlined above.

It is the consensus of the TPC that the options addressed above are applicable.

The ZA will inform the Wilderness Preserve of their ability to permit a driveway, and the options outlined above.

e. Discussion – Zoning language and text changes review, update, and possible dates for Public Hearing.

The Town Plan Commission has been addressing the need for revision in zoning language and ordinance. The ZA has suggested that he would like to work with two Commissioners in drafting language for review by the TPC as a whole and bring final a draft to the Public for consideration and possible insertion into Ordinance. Peters and Wilharm have agreed to work with the ZA and will initially meet to assign areas of review to each participant.

f. Commissioner Reports:

i. Peters: Junk Ordinance coordination

ZA provides a possible posting for the scheduled public forum. The TA would like to offer some revisions. The TA will revise and send postings to the ZA for posting. The sessions will be posted and placed on the web and Madeline Island Community page.

ii. Wilharm: Fire Numbers

Nothing

iii. Dobson: Camping Units

Nothing

iv. Starck: Hartzell Proposal

Nothing more than addressed above

VI. Old Business

Nothing

VII. Extended Public Comment – Limit 3 minutes.

None

VIII. Future Agenda Items

- a. Commissioners Reports
- b. Feedback and review of Public Forums
- c. Zoning language and ordinance review

IX. Next Scheduled Meeting

Wednesday September 1st, 2021 @ 4:00PM

X. Adjournment

Chair adjourns the meeting @ 4:38PM

Respectfully submitted on 8-5-21 by Ric Gillman, ZA

Approved as submitted 9-1-21