

TOWN OF LA POINTE
ZONING BOARD OF APPEALS
Public Hearing MINUTES
Wednesday November 15, 2022

Zoning Board of Appeals Members in Attendance: Paul Brummer, Chair; Richard Reichkitzer and Bill Fennell.

Members Absent: Tom Nelson

Public Present: Joel Schumiler, Sue Brenna (Sign in sheet on file) and Charlie Meech, Craftivity Inc. via telephone

Town Staff Present: Ed Schaffer, Zoning Administrator (ZA) via telephone

Call to Order/Roll Call

Chair Brummer calls the Zoning Board of Appeals to order at 5:00PM. Roll Call reflects the members in attendance identified above.

Agenda Item:

Application by Craftivity Inc, Owners, for a Variance on Parcel #014-00178- 0200; located at 978 Middle Road; Legal Description: Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and Part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ as described in Volume 691 Page 51 Sec 28 T50N R3W 20A.

The applicant is seeking relief in setback due to the existing location of a well on the property, as they would like to build a 8-footX10-foot wellhouse within the 50- foot setback.

Paul Brummer asks for the record that all posting, publications and mailings were executed per ordinance and applicable law. The ZA answers in the affirmative.

Chair Paul Brummer would like to entertain a motion to appoint a temporary chair for this public hearing as he will be in the audience giving testimony. Richard Reichkitzer volunteers. Motion by Paul Brummer to appoint Richard Reichkitzer temporary chair for this public hearing only, seconded by Bill Fennell, all ayes. Motion Carried.

For the record, Paul Brummer will now be sitting in the audience.

Reichkizer asks if the petitioner has anything to add or comments.

Mr. Meech asks why a variance is required for a parcel that would be 8' x 10' or less than 100 square feet.

ZA states that all buildings need to meet the setback requirements. Buildings that are less than 100 square feet do not need a permit but must still meet setbacks.

Mr. Meech does not believe this makes sense.

Reichkitzer stated as a builder, he believed it made sense as it is a buffer between properties.

Mr. Meech states the ZA told him he was outside of that because the platform for the Culligan soft water system was under 100 sq. ft. and for the record wants to know what has changed.

ZA stated he told Mr. Meech he did not need a Town of La Pointe permit to build a building under 100 sq. ft. but it still must be built within the setbacks or get a variance which is why he is here today.

Reichkitzer asked for any other public comment.

Mr. Schumiler stated he found out about this via mail. He owns the property to the east of Craftivity (property line of the setback in question) under Hello Meadow LLC. He asked if Charlie or the Zoning Board of Appeals would like to postpone until he and Charlie could talk and come to an agreeable solution. Charlie stated he didn't know who this neighbor was. Mr. Schumiler stated for the record that when he bought his property, he went to the art school and introduced himself to everyone including Charlie. Charlie stated he would be willing to meet with Mr. Schumiler when he is back on the island.

Discussion regarding exact location of proposed structure, Reichkitzer asked if the location was clearly staked, Mr. Meech said the area was cleared but not staked, he is willing to do this when he gets back to the island.

Mr. Schumiler stated for the record at this time he was not in support of this variance.

Paul Brummer read into record he believes the three statutory requirements necessary to grant a variance are not met (unnecessary hardship, unique physical property limitation and no harm to public interests) and asks for the variance to be denied. Paul distributed a hand out to ZBOA members.

Reichkitzer asked for any additional comments.

Reichkitzer read a letter received from Elaine Nelson, neighboring owner, in favor of Craftivity receiving a variance.

Fennell states his understanding of what a hardship is.

Reichkitzer states there is not a quorum of the ZBOA to make a decision.

Mr Meech stated he would withdraw his request for the variance, Brummer stated this should be done in writing.

Reichkitzer requests the public hearing adjourned.

Minutes taken from recording and submitted by Dorgene Goetsch, Clerical Assistant