

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

**430 pm, April 1<sup>st</sup>, 2026 at Town Hall**

<https://us02web.zoom.us/j/85817354068?pwd=WWY4REFXZ3dLaVROQXIMOWV3WVB4dz09>

**Members Present:** Chair Paul Wilharm, Charles Brummer, Jim Peters, Suellen Soucek (via Zoom), Aimee Baxter

**Staff Present:** ZA Richard M Kula, TA Max Imholte, Treasurer Katey Abbott

**Public Present:** Paul Brummer, Rob & Maureen Rickman

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

- II. **Public Comment (less than 1 minute)** – PBrummer commented on the wording that allowed educational facilities in the S-1 as a Conditional Use. It has since been removed. Can educational facilities be removed, as either permitted or conditional use in the W-2 zone?

PWilharm made a motion to move Agenda Item V.e. Response Letter to Property Owner Regarding Complaints Received for Wedding Events at 951 Whitefish Lane up to the next item on the Agenda. CBrummer seconded it. All voted in Favor. (Please see below under V.e. for a summary of the discussion.)

- III. **Zoning Administrator Report (Verbal & Written)** – RKula reviewed the contents of the monthly report for March. As he took on the new responsibility of Grants Administrator for the Town of La Pointe in January, there is a summary of what grant activities took place in March. However, since that task is outside of the TPC’s scope, he won’t address those sections. This report is also used for the Town Board. A lot of time was spent on the Zoning Ordinance, making it through Sections 1 through 6. Permit requests also occupied a lot of time. There are 5 agenda items related to permitting on the agenda for tonight. RKula has also been talking with property owners on future projects including siting sauna’s and dwelling additions. This year is starting look more like 2024 than 2025 as the number of permit requests appears to be up. RKula took part in training during March that included a session by DNR on Vapor Intrusion and two sessions with the Great Lakes Islands Alliance.

IV. **Approval of Previous Meeting Minutes**

- a. **Regular TPC Meeting – March 4<sup>th</sup>, 2026** – CBrummer had one comment on the extended public comments. The word “new” should be added after “something” at the end of the sentence to complete the thought regarding new plumbing fixtures. JPeters made a motion to approve the March 4<sup>th</sup> meeting minutes with the correction noted. SSoucek seconded. All voted in favor.

V. **Old Business**

- a. **Review, Discuss and possibly approve land use permit applications:**

- i. **2912 Big Bay Road – Rob & Maureen Rickman – Primary Dwelling** – RKula thanked the property owners, who were on the call tonight, for providing great timely information. RKula indicated the sanitary permit had been obtained at the end of February. He completed the site visit on March 30<sup>th</sup>. It is ready to go. CBrummer made a motion to approve the proposal as presented. ABaxter seconded. All approved.
- ii. **442 Bojo Lane – Joe & Frances Seiler - Accessory Structure & Primary Dwelling Addition** – RKula indicated that tonight we are going to focus on the carport. The property owner also wants an addition to his dwelling, but it currently would penetrate the setbacks from his existing lot line. He purchased and closed on the neighboring lot in February, which will allow this expansion, but is working with a surveyor to complete a Certified Survey Map (CSM). The goal is to have the CSM and the addition on the agenda for May 6<sup>th</sup>. The carport is within 1,000' of the lake but the addition to the home is not. As such, an Ashland County permit is required for the carport, but not the dwelling addition. CBrummer made a motion to approve the proposal as presented. ABaxter seconded. All approved.
- iii. **3350 Stockton Road – Timothy Larson & Kathleen O'Donnell – Primary Dwelling** – RKula has been working with the Architect since January but only received the permit applications yesterday (March 31<sup>st</sup>). RKula performed a site visit at the end of the day yesterday. It is for a primary dwelling. The permit application for Ashland County was routed through Ashland County. The fees for La Pointe are in the mail enroute. They provided a copy of the check, but it hasn't arrived yet. RKula reviewed the data package. CBrummer made a motion to approve the proposal contingent on receipt of payment. ABaxter seconded. All approved.
- iv. **1451 Middle Road – Arnie Nelson – Potential Lot Reconfiguration** – RKula indicated this is not part of an application, just a continuation of a previous discussion. The Town's Assessor indicated that shoreline is measured by a perpendicular line between property lines and not along the shoreline. RKula presented two options. CBrummer offered a third option that runs the 250' shoreline requirement further north. Part of the property owner's intent is to potentially prevent a house from being constructed immediately next door to each other. The lot is currently 272 feet wide; so conforming to 250 feet would allow the property owner to extend his lot by 22 feet. Having a jog along the property line could cause issues down the road. RKula took the IOU to coordinate with the property owner that under the existing ordinance, he can acquire 22 additional feet north to where Lot 3 and Lot 4 meet.
- v. **868 Whitefish Lane – Town of La Pointe School Modernization** – RKula provided a quick overview of the project; the project fills in the area between the two ends. PWilharm made a motion to approve as submitted. ABaxter seconded. All approved.

- b. Zoning Ordinance Re-Write – Review, Next Steps, & Identify Potential Public Hearing Date** – JPeters asked if everyone got the updates for Section 7 through 16. The Team decided to see if anyone has any questions. CBrummer had a comment on Page 83 regarding who reviews the Special Exceptions; it should be the TPC and not the Zoning Board of Appeals. There was some discussion on allowing an addition of 50% to a non-conforming structure (Page 91). It was decided as a Team to leave it as it was. CBrummer also had a question on Page 24. Under permitted uses, he recommended that Dwelling, Multi-Household should be moved down to Conditional Use. With the number of units possible, you will probably want it to be connected to the sewer. JPeters provided suggestions on time restrictions on complaint processing. RKula indicated that we need to think through potential mitigating factors where the review could exceed certain time restrictions. CBrummer suggested it might be good to see the final document before it goes to the Public and before picking a date for a Public Hearing. Maybe meet in 2 or 3 weeks to review. RKula will try to have everything ready for a meeting on April 15<sup>th</sup>. We can always cancel if we think we are not ready.
- c. Holding Tank Options – Update** – RKula provided an update. He has been working with Ashland County on a definition and language. They have currently agreed with the draft. RKula has the draft into DSPS. Madeline Sanitary District and the two pumping companies on the Island are important as well. There are lots of moving pieces. We can make changes. This gets this information included in the revised updated Zoning Ordinance. JPeters asked about the scope. What about people that want to come up to the Island for the summer and use their RV. Can they use this approach? RKula indicated that it is currently limited to those that are constructing their primary dwelling. Do we want to expand it? JPeters wanted to make sure that the grey water was included. CBrummer wants to hear back from Madeline Sanitary District, the haulers, and everyone really. SSoucek doesn't want it opened up to all camping units. RKula quickly read the requirements so all were able to hear the draft requirements. ABaxter doesn't want property owners to have to pump out 10 gallons in October, maybe we can figure out how much creates a problem. Maybe March is still too cold, and it should be April to October.
- d. Portable Moveable Structures – Duration on Site?** – RKula has been receiving questions from property owners on how long a sauna on wheels can be with the 75' setback from Lake Superior. CBrummer indicated that we did have language in the Ordinance regarding structures on wheels, but we are taking it out. We may need to leave it in.
- e. Response Letter to Property Owner Regarding Complaints Received for Wedding Events at 951 Whitefish Lane – Status Update** - KAbbott distributed

a brief timeline of events to the TPC Members along with action items taken from the March 10<sup>th</sup> meeting with the property owner. RKula introduced it as we are looking to get TPC input. The Town of La Pointe's goal is to make sure that we are treating everyone fairly and we are looking at all of the options. KAbbott discussed that outside of the rental tax issues, is that the Rental Ordinance doesn't permit events at that location. In addition, it is a High Occupancy Rental. High Occupancy rentals can only do short term rentals and cannot do daily rentals unless they were grandfathered in. The property owner received his Ashland County permit from Health & Safety in September 2023, and did not apply for the Town of La Pointe permit until June 10, 2024. The Rental Ordinance was updated in May 2024. So he has no withstanding for a daily permit before the ordinance to grandfather it in. But going forward, we should just do the short-term rental, as that is what that property qualifies for. KAbbott does not see how he is grandfathered in. Room accommodation taxes and property taxes must be current. The property owner is current on the VRBO part of it, but not on the personal rentals. While he was delinquent on property taxes last year, he has since gotten current through July 2026. RKula indicated that we met with the property owner on March 10<sup>th</sup> and we had 4 IOU's from that meeting. The first item was historical communication between the property owner and the previous zoning administrator and Pam with Ashland County. Being new to any role, as RKula is, you want to make sure that all previous actions are reviewed. We received this on March 24<sup>th</sup> and it confirmed the timelines KAbbott presented. The property owner is very aware of the complaints regarding two events last fall. He is in the process of updating his lease and rules for guests to address the complaints. Those are due to us by April 15<sup>th</sup>. If he has them sooner, we asked him to please share them with us. KAbbott talked about the room accommodation tax and VRBO lodging tax report. Finally, Steve Schraufnagel will perform a site visit the 3<sup>rd</sup> week of May. We are getting near the end. Looking at the VRBO website, the property owner has 67 days "blocked off" this summer. We don't know if those dates that are "blocked off" are days that are actually rented or just for him/family members. We will have to make a decision on the length of the rental (daily versus short term) and how to address events in an area where events aren't a permissible activity. The challenge is that it isn't an event unless it has 3 times the sleeping capacity which is currently defined as 40 (3x40=120). Ultimately, we need to decide on what an event is. TPC is planning on amending the Rental Ordinance after the Zoning Ordinance is updated. PWilharm is concerned that since we allowed daily rentals in 2024 and 2025 that he may be under the impression that we will allow it in 2026 even though it wasn't a permissible activity in previous years. JPeters added that the way the Rental Ordinance is written, he is allowed to have a high occupancy rental facility.

There might not be anything we can do about it at this time. PWilharm is concerned that 120 people on that property does not allow the neighbors peaceable enjoyment. Going forward, maybe the sleeping limit should be the maximum allowable on the property like other municipalities do. CBrummer asked when the first rentals occurred at the property. It was after May 2024 when the Rental Ordinance was updated. SSoucek provided historical context that we need to tighten up the ordinance. RKula indicated that we are trying to find a path to bring this property, and all properties, into compliance. Can we find an off-ramp allowing the property owner time to change things and adjust. PWilharm clarified that just because we change something doesn't mean that what was done previously was grandfathered in. JPeters noted that while events are allowed in Commercial, the Zoning Ordinance states that it is allowed in other districts, but then there are no other districts listed. So an event at this property would not be allowed. There was discussion on the term event versus gathering. PWilharm mentioned that the UDC inspection identified a maximum capacity of 20 to 25 people. PWilharm asked if we could coordinate with the UDC inspector about what a safe sleeping capacity is.

- f. **Fence Right of Way – Motion on Options to Town Board** – PWilharm wants to give the Town Board a recommendation. Move the fence, easement, variance? CBrummer doesn't think anything else is needed. It was in place before Zoning was implemented. It has been there since 1968/1969 and never has been complained about. Is this adverse possession? There are garages around the Island that are within 5 feet of the road. The TPC believes that it is adverse possession. All of the above items are relevant. The Town can explore this with the Town's attorney or the Town Association. An easement would be the easier approach (over a variance.) The recommendation is to look at adverse possession with input from the Town's attorney. It was in the Town's Right of Way, and the Town didn't complain.
- g. **Active Complaints Received – Status Update** – Complaints are still in process.
  - i. **Building Setbacks (Variance) – Determination Letter Issued 1/9/26**
  - ii. **Fence in Right of Way – Determination Letter Issued 1/21/26 - Resolution Options (Move Fence, Easement, Variance)**
  - iii. **Potential Zoning & UDC Violations**
  - iv. **Home Business in Zoning District R-3**
  - v. **Commercial Storage in Zoning District W-1**
- h. **6<sup>th</sup> Street Vacate Request – Update** – RKula indicated that this item is still in process.
- i. **CUP Process – Discuss Online Training/Potential Joint Meeting with Town Board** - RKula indicated that this item is still in process.
- j. **Tech Memo #3 – Next Steps** - RKula indicated that this item is still in process.

- k. **“Do I Need a Permit?” – Update on creating an Information Permit Summary and Q&A for the Public** - RKula stated that this item is still in process.

**VI. New Business**

**VII. Future Agenda Items**

- VIII. Extended Public Comment (less than 5 minutes)** – PBrummer commented that with the other counties that allow for the above ground holding tank, where is the waste dumped (area lagoons or waste treatment facility). RV waste isn't great for area lagoons.

**IX. Next Scheduled Meeting – Regular TPC Meeting – May 6, 2026 @ 430 pm**

**X. Adjournment @ approximately 6:09 PM**

**Paul Wilharm, Town Plan Commission**

*Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Town Clerk. Note: It is possible that members of other governmental bodies of the municipality (and possibly a quorum) may attend this meeting to gather information. No action will be taken by any governmental body at this meeting; other than the governmental body specifically referred to in this notice.*