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**TOWN OF SPIDER LAKE  
PUBLIC HEARING 4-21-2004**

The Town of Spider Lake Public Hearing was called to order by Planning Committee Chairman Promersberger. Present was Promersberger, Krause, G. Brandt, Overman, Clerk Guyer, Zoning Administrator Boss, Town Attorney Carlson, Prudence and Victoria Ross, their attorney Kelsey and nineteen people in the audience. Absent was Planning Committee member King.

Purpose of the meeting was to consider a 16-lot subdivision on properties recorded as Teal Lake Lodge Condo and Teal Wing Golf Course & Resort. Location Gov't Lots 6,7, 8 & 9; E 1/2-SE 1/4 Section 34-T42N-R6W.

The Committee Chairman turned the meeting over to Town Atty Carlson. He stated that it's important to keep in mind for the Planning Committee to consider the Plat process of the Subdivision Control Ordinance. From a Legal point of view what applies is the subdivision control Ord. of the Spider Lake Zoning Ord. It's that Subdivision Control Ordinance that is going to rule what the Planning Committee can and can't do here this evening. It basically sets forth the basic survey requirements for subdividing property. It sets forth the procedure of dividing the land the design standards that are applicable. The Sub Division Ord. specifically provides that an environmental impact analysis is required only if a Sub Division involves more than 25 lots. There is no requirement for an environmental impact analysis since only a 16 lot Subdivision is being proposed.

Section 2.2 (a) of Sub Division control Ordinance indicates that No person, firm, or corporation shall divide land for the purpose of sale, transfer, or development that creates five (5) or more parcels of less than five (5) acres each without obtaining the approval of the Planning Committee and without complying with the provision of the Ordinance, that's what we're here for tonight. The applicants are applying for the approval of the Planning Committee.

Attorney Kelsey spoke on behalf of the Ross's and explained that the final plat approval will be with both Condominiums for Teal Lake Lodge and Teal Wing Golf Course & Resort in their entirety will be discontinued and removed from the records and converted back to the original ownership. The plat has 16 lots. Four (4) lots near Hwy 77 & Teal River in the SE Corner of the property. Seven (7) lots are on the northern portion of the Ross Property and Five (5) Lots are in the NW portion near the property line off Hwy 77 near the former De Tray property. He stated some buildings on the lots are too close to the property lines and they will address those. Any building that is nonconforming has been noted on the plat. Some buildings will have to be removed, relocated or altered to comply with the Town of Spider Lake Zoning Ordinance. The developers of these lots would have to comply with all zoning regulations in effect now and they will have to have certified soil tests. All Lots have 200' frontage and 40,000 sq. ft. Any nonconforming buildings must be removed if a new structure is to be built. The roads the town wanted to be 66' easements for potential town use were created and a cul-de-sacs was proposed near lot 8. Private roads within the subdivision have also been shown on the plat. Kelsey stated the Ross need final approval of the plat by May 13, 2004 for closing on the lots by May 28th to meet the requirements of the bankruptcy court. If these dates are not met, there is a second offer on the property which would require the Condo's to remain in existence.

The nonconforming properties were identified and recorded on the map and numbered 1-6. Prudence Ross asked if they could be given time to remove or relocate the nonconforming buildings.

Zoning Administrator Boss stated 8 letters were sent to adjoining property owners. 5 were returned with 4 objecting to the approval of the Plat. One had no objection, one was not returned and 2 persons had called Boss. All letters were read into the minutes including an email sent to Promersberger.

Carlson stated if more lots were created in the future and they were over twenty five (25) the Town would readdress the environmental impact analysis.

Motion to approve the Plat Application with the following conditions was made by Brandt.

1. At or prior to the time of recording the plat, removal documents must be filed by Ross's whereby the entire parcels of real estate which encompass Teal Lake Lodge Condominium and Teal's Quiet Shores Condominium be removed from the condominium form of ownership.
2. Any building shown on the plat that does not meet minimum side yard setbacks as established by the Town of Spider Lake Zoning Ordinance shall be relocated or removed as follows: The cabin known as Maple, (referred to 1 on attached Exhibit A) which is situated on Lot 13, the cabin known as Red Oak, (referred to as 2 on attached Exhibit A), partially located on Lot 12, the cabin known as Norway, (referred to as 3 on attached Exhibit A) located immediately adjacent to Lot 11 and the cabin known as Cedar,(referred to 7 on the attached Exhibit A) located on Lot 11, shall cease to be used as a dwelling, or shall be removed or relocated so as to comply with the Town of Spider Lake Zoning Ordinance on or before October 31, 2005. In the event any person or entity makes application for a building permit pertaining to the lots affected by the improvements, said improvements must be relocated or removed prior to the issuance of a building permit.
3. The two small buildings immediately south of Lot 11 which do not meet the minimum side yard setback requirements shall be removed on or before July 1, 2004.
4. The laundry building, which is located within Lot 11 shall be relocated or removed on or before December 31, 2004. The mechanic building, which partially encroaches upon Lot 11 shall be removed on or before December 31, 2005. Both the laundry building and mechanic building must be relocated or removed prior to those dates before any building permit can be issued pertaining to Lot 11.

The above motion including the conditions was seconded by Overman. All in favor, motion carried.

Motion to adjourn the Public Hearing was made by Krause, seconded by Overman. All in favor, motion carried.

Ruth Guyer, Clerk