

# PLANNING & ZONING COMMITTEE

## TOWN OF ST. GERMAIN

P.O. BOX 7

OFFICE OF THE CLERK

ST. GERMAIN, WISCONSIN 54558

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### MINUTES ST. GERMAIN PLANNING AND ZONING COMMITTEE MEETING: JULY 21, 2008

**Meeting Type:** Regular Meeting of the P & Z Committee. The chairman noted that this was a duly called meeting in accordance with the Wisconsin Open Meeting Law.

1. **Call to Order:** Vice Chairman, John Vojta, called the meeting to order at 4:06 P.M.
2. **Roll Call -Members Present:** Mary Platner, John Vojta, Lee Holthaus, Marion Janssen, Tom Martens, Town Clerk. Tim Ebert, Zoning Administrator, and Todd Wiese were absent.
3. **Approve Agenda:** Motion Platner seconded Holthaus that the agenda be approved as posted. Approved.
4. **Approval of Minutes:** Motion Platner seconded Holthaus that the minutes of the June 2, 2008 public hearing, the June 16, 2008 regular committee meeting, and the minutes of the July 7, 2008 C.U.P. hearing be approved as written. Approved.
5. **Public Comments:** Gail Carlson stated that she was not able to be at the C.U.P. hearing for proposed home occupation. She wanted to know what had changed over the past three weeks since she had been told that she could apply for the C.U.P. Ms. Carlson also stated that she would only have one station and be open no more than two days a week. She thought that the home occupation portion of the ordinance should be rewritten.
6. **Zoning Administrator Report – Discussion/Action:** Mr. Ebert was not present, but Mr. Vojta handed out the zoning administrator’s quarterly report. There were no questions on the report.
7. **Ordinance Amendments – Discussion/Action:** There were none.
8. **Re-zonings – Discussion/Action:** There were none.
9. **Conditional Use Request - Discussion/Action:** There were none.
10. **Plat and Survey - Discussion/Action:**
  - 10A. **First Addendum to Fath’s Big Woods Resort Condominium, Gov’t Lot 5, Sec. 19, T40N R8E. (Foltz and Associates Surveyor, Jamie Fath, agent):** Mr. Vojta noted that Jamie Fath had paid the required fee with a check for \$36.00 and a second check for \$164.00. Mr. Fath stated that the he wanted to enlarge the garage units from 24 ft. long to 32 ft. long. Also, unit #8 would now be 1,836 sq. ft. and unit #9 would be 2,088 sq. ft. Motion Platner seconded Janssen that the First Addendum to Fath’s Big Woods Resort Condominium dated June 19, 2008 be accepted as presented. Approved.
11. **Miscellaneous Agenda Items – Discussion/Action:**
  - 11A. **Private Road Name Applications for Fath’s Big Woods Resort Condominium:** Motion Holthaus seconded Platner that Jacob Lane, Emma Lane, Ethan Lane, and Big Woods Lane be accepted as presented, but that Katie Lane be changed to Kathryn Lane for Fath’s Big Woods Resort Condominium. Approved.
  - 11B. **Review of Section 1.12, “Home Occupation” Definition:** Mr. Vojta explained that the minutes of the May 19, 2008 committee meeting state that the committee had decided that Gail Carlson’s business would be a “home occupation”. However, at the public hearing, the committee stated that it was not a “home occupation” and that since Ms. Carlson’s business did not fall under any of the listed businesses her application could not even be considered, and her check would be returned. Mr. Vojta also stated that he and Mr. Wiese had come to the conclusion that the clerk had made a mistake in the minutes by omitting the word “not”.

Mr. Martens stated that he had sent the minutes to all of the committee members and that none of them had wanted to make a change concerning the “home occupation”. Mr. Holthaus stated that his computer was down and that he did not receive the minutes. Mr. Martens also stated that at the May 19, 2008 meeting, there had been a discussion concerning Ms. Carlson’s business. The committee

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had gone down through the list of requirements for a “home occupation”. Ms. Carlson had met all of the requirements until item “f”. Mr. Martens also stated that after reading the section several times, the committee had decided that Ms. Carlson’s business would be a “home occupation” and that a C.U.P. would be required. If that had not been the decision, a C.U.P. would not have been required at all.

Mr. Holthaus stated that Attorney William O’Connor had drafted the ordinance. The C.U.P. was required to see if there might be any opposition to the business. Mr. Holthaus went on to say that he thought that the wording needed to be changed, but that the committee should meet in closed session to discuss such a change. At the public hearing, if there were only comments against a business, the committee would probably deny the application.

Motion Holthaus seconded Platner that the matter be tabled for a final decision. Approved. Mr. Vojta will check Mr. Wiese to set a meeting date. Mr. Martens will check with the town’s attorney to see if the committee can meet in closed session to discuss an ordinance change. A tentative meeting date was set for Monday, July 28, 2008 at 4:00 P.M. in meeting room #4 of the Community Center.

### 12. Letters and Communication:

**12A. Road Abandonment of a Portion of Kelsey Court:** Mr. Vojta noted that there would be a public hearing held on Monday, August 4, 2008 at 4:30 P.M. concerning the abandonment of a portion of Kelsey Court.

**12B. John Sarama Letter:** Mr. Vojta stated that Tim Ebert had given him a letter from John Sarama, 8110 Forest Drive. Mr. Sarama asked that a private road sign be placed on Forest Drive where the town road ends. He also asked if the town could do anything about the rental of private homes that are on the road. Mr. Sarama stated that all of the traffic on the road greatly affects his privacy. Mr. Vojta said that Mr. Ebert told him that the town road ends beyond Mr. Sarama’s driveway. The rental of private homes is allowed in the ordinance.

**12C. Duane Benicke:** At the last meeting, Mr. Ebert stated that Mr. Benicke wanted to sell one his lots, but did not want to give an easement over the lot on which his home is located. Mr. Benicke has now asked if he can change the location of the lot line, but keep the lots both at 2.5 acres. The question is can the lot line be changed without forming two new lots. New lots in the zoning district must now be 5.0 acres in size.

### 13. Committee Concerns:

**13A. Discussion of Allowance of Bulk Fuel Storage Tanks in Downtown Business District:** Mr. Vojta stated that Mr. Wiese had checked and that neither Vilas County nor the Town of St. Germain has an ordinance to prevent a bulk fuel storage tank in the downtown business district. Mr. Holthaus is under the impression that Krist Oil was granted a C.U.P. when the Citgo Station was built. Mr. Wiese also checked with the town’s attorney and found out that if the committee has an attorney initiate an ordinance, any application received after that date, can be rejected. Motion Holthaus seconded Platner that the matter be tabled until the July 28, 2008 special committee meeting. Approved.

**13B. Mary Platner:** Ms. Platner stated once again that she thought that it was very important that the committee look into the wording of the definition of “home occupation”.

**14. Set Time and Date of Next Meeting:** The next regular monthly Planning & Zoning Committee meeting will be held on Monday, August 18, 2008 at 4:00 P.M. in meeting room #4 of the Community Center. There is tentatively scheduled a special committee meeting on Monday, July 28, 2008 at 4:00 P.M. in meeting room #4 of the Community Center.

**15. Adjournment:** Motion Platner seconded Janssen that the meeting be adjourned. Approved. Meeting adjourned 5:03 P.M.

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Town Clerk

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Chairman

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Vice Chairman

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Member

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Member

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Member