

# PLANNING & ZONING COMMITTEE

## TOWN OF ST. GERMAIN

P.O. BOX 7

OFFICE OF THE CLERK

ST. GERMAIN, WISCONSIN 54558

www.townofstgermain.org.

### MINUTES ST. GERMAIN PLANNING AND ZONING COMMITTEE MEETING: SEPTEMBER 22, 2009

**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:** Chairman, John Vojta, called the meeting to order at 4:05 P.M.
- 2. Roll Call -Members Present:** John Vojta, Todd Wiese, Mary Platner, Marion Janssen, Tim Ebert, Zoning Administrator. Mr. Holthaus was absent.
- 3. Approve Agenda:** Motion Janssen seconded Platner that the agenda be approved in any order at the discretion of the chairman. Approved.
- 4. Approval of Minutes:** Motion Wiese seconded Platner that the minutes of the July 20, 2009 regular committee meeting be approved as written. Approved.
- 5. Public Comments:** There were none.
- 6. Zoning Administrator Report – Discussion/Action:** There was none.

**7. Ordinance Amendments – Discussion/Action:**

**7A. Beaver Property Hole (Vojta):** Mr. Vojta noted that he had received a letter from Howard Beaver, Jr. stating that the hole would be filled. Mr. Ebert said that the work has been completed.

**7B. Dick Schwerman – South Bay Road Properties (Vojta/Ebert):** Mr. Vojta stated that he and Ms. Janssen had talked about sending letters to the three property owners. There didn't seem to be any grounds for the letters other than to be a good neighbor. Mr. Vojta stated that Dawn Schmidt, Vilas County Zoning Administrator said that there are complaint forms available. Someone from the Vilas County Health Department would go out to review the complaint. It was the consensus of the committee that a letter should be sent to Dick Schwerman with the complaint forms. He can anonymously send the complaint forms to the county. Another possibility is that at least one of the property owners is conducting a business in a zoning district that does not allow a business.

**7D. Ken Beyers & Greg Voss Properties:** Mr. Vojta stated that Mr. Ebert had brought the Beyers & Voss properties to the attention of committee at a prior meeting. The problem is that with the town's new 15-foot setback requirement, there is not enough room for a garage without encroaching on the town road right of way or ending up too close to a neighbor's lot line. Another complaint is that they claim that nobody ever got back to them. Mr. Ebert stated that he had gone to view the property with someone. He thought that it was either Mr. Vojta or Mr. Wiese, but neither of them remember going.

**7C. Setback Requirements (Ebert):** Mr. Ebert suggested that for a lot that is less than 1.5 acres, with an existing home, that the setback requirements go back to 5 feet for garages and sheds. Mr. Ebert suggested that for a vacant lot that the setback requirements be 15 feet for the side lot lines, and 40 feet for the back line. For lots over 1.5 acres, Mr. Ebert suggested that the setback requirements remain at 15 feet. Changes would have to be made to sections 1.29-1.36 of the town-zoning ordinance if the committee agreed with Mr. Ebert's suggestions. Mr. Beyers already has an attached garage, but he would like to build an additional 3-car garage similar to his neighbors. The neighbor stated that he would not have a problem with the garage being too close to the lot line.

Ms. Platner stated that some towns have made exclusions for subdivisions having small lots. Mr. Wiese stated that just because someone wanted to purchase cheaply with a small lot, should they be treated differently and be given an exception. Ms. Platner also stated that she could go along with the change in pre-established subdivisions. Ms. Janssen stated that when the ordinance amendments were approved it was stated that each case would be considered separately. She also stated that the problem would be continuous.

Mr. Ebert asked if the county's shoreland zoning took precedence over the town zoning. Mr. Vojta asked if the town had adopted all or part of the county shoreland zoning. Mr. Wiese stated that by

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reference, the town had adopted it all. Mr. Ebert again asked which should be enforced. Mr. Vojta stated that when the town adopted the county shoreland zoning, we also adopted their setbacks.

Mr. Vojta asked if should schedule a public hearing on the matter. Mr. Wiese stated that he thought that there should be a plan before there is a public hearing. He suggested that someone contact Attorney Steve Lucarelli to see if we could do it at all. Mr. Ebert will talk to Vilas County zoning before anyone contacts an attorney.

### 8. Re-zonings – Discussion/Action:

**8A. Charles Vogel – Barrington Pines:** Mr. Vojta stated that he had talked to Dawn Schmidt, Vilas County Zoning Administrator. She stated that the county goes by the recorded plat. Since the second plat of Barrington Pines had never been recorded the county would not recognize it even though it had been approved and signed by the town. Mr. Vogel would like to build duplexes on four of the lots. The problem is that the four lots are too small for duplexes according to the ordinance. There was also a question of the 30-foot of town road that had been abandoned on the second plat. Mr. Wiese stated that he thought that the committee could not go against its own ordinance. Mr. Vogel was told that if he combined the four lots, he could build three duplexes. The ordinance states that in the downtown business district, a business requires 20,000 sq. ft. of property and that each additional unit would require another 12,000 sq. ft. However, a residence, which includes a duplex, in the downtown business district requires 1.5 acres (65,430 sq. ft) with an additional 12,000 sq. ft. for each additional dwelling unit. Or Mr. Vogel was told that he could apply for a variance, however, since there are other uses for the property, Mr. Wiese stated that there would be a good chance the Mr. Vogel would not get the variance. The committee suggested that Mr. Vogel talk to the surveyor. If Mr. Vogel would combine the lots and build the duplex units, he would not be able to divide the property at a later date.

### 9. Conditional Use Request - Discussion/Action: There were none.

### 10. Plat and Survey - Discussion/Action:

**10A. Greg Maines 2 condo Plat Reviews:** Mr. Vojta noted that he had given a check for \$400 to Ms. Janssen for the 1<sup>st</sup> Addendum to PBR Condominiums and the 2<sup>nd</sup> Addendum to Lost Lake Northland Condominiums. Mr. Vojta then handed out the plat for the 2<sup>nd</sup> Addendum to Lost Lake Northland Condominiums. Mr. Maines was not present. The committee could not tell what they were supposed to be looking at. Motion Janssen seconded Wiese that the 1<sup>st</sup> Addendum to PBR Condominiums and the 2<sup>nd</sup> Addendum to Lost Lake Northland Condominiums be tabled. Approved.

### 11. Miscellaneous Agenda Items – Discussion/Action:

**11A. Sign Ordinance Off-Premise:** Ms. Platner stated that the off-premise sign moratorium was about to expire. She suggested an extension to the moratorium. Ms. Platner also suggested that a committee simply work on an off-premise sign ordinance. She thought that on-premise signs could be considered later. Ms. Platner wanted to get the business people involved. She stated that she had the list of people who had signed up to volunteer for the committee at the July 20<sup>th</sup> P & Z meeting. Mr. Vojta and Mr. Wiese stated that they had not seen the list. Ms. Platner said that the list had been attached to the minutes of the meeting. Ms. Platner also stated that directional signs to a business would be exceptions to an off-premise sign ordinance. The purpose of the ordinance would be limit billboards. The question would be the size of the signs that were allowed. Ms. Platner thought that if it were put to a vote of the town's people, billboards would not be allowed at all. Ms. Platner also questioned whether or not the people who volunteered to be on the committee were the right people to review an off-premise sign ordinance.

Motion Platner seconded Wiese that the off-premise sign moratorium be extended for six months. Approved. The extension would now have to be approved by the town board.

### 12. Letters and Communication:

**12A. Vilas County Land Use Plan:** Mr. Vojta noted that Vilas County wanted St. Germain to respond to the county land use plan. Mr. Ebert showed all building permits that had been issued in the past 10 years on a map. The county was satisfied with that.

**12B. Cabin on Birchwood Drive:** In April, Mr. Ebert had reported that Mike Toiley was living a 16' x 24' hunting shack on Birchwood Drive. Mr. Toiley notified Mr. Ebert that he was doubling the

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size of the cabin. Mr. Vojta and Mr. Wiese had gone out to view the property, but have not been back to see if anything has been done. Mr. Ebert also has not gone back to the property. Mr. Toiley has sanitary permits from Vilas County. There might be privy on the property.

### 13. Committee Concerns:

**John Vojta:** Mr. Vojta wanted to know how to go about getting the zoning amendments onto the town's website. Mr. Wiese stated that it was the town clerk's duty to enter the amendments onto the website. Mr. Wiese stated that according to the Statutes, the town clerk had to do whatever the town board asked. Ms. Platner stated that she had just about everything on a disk. There were still a few older ordinances that had to be numbered.

Ms. Platner was told that she could use volunteers from the list or whoever she wanted to be on the committee for the off-premise sign ordinance.

**14. Set Time and Date of Next Meeting:** The next regular monthly Planning & Zoning Committee meeting will be held on Monday, October 19, 2009 at 4:05 P.M. in meeting room #4 of the Community Center.

**15. Adjournment:** Motion Wiese seconded Platner that the meeting be adjourned. Approved. Meeting adjourned 5:23 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