

PLANNING & ZONING COMMITTEE

TOWN OF ST. GERMAIN

P.O. BOX 7

OFFICE OF THE CLERK

ST. GERMAIN, WISCONSIN 54558

townofstgermain.org

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MINUTES ST. GERMAIN PLANNING AND ZONING COMMITTEE MEETING: AUGUST 17, 2005

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:** The meeting was called to order at 5:25 P.M. by Todd Wiese, Chairman
2. **Roll Call -Members Present:** Ted Ritter, Mary Platner, Todd Wiese, Marion Janssen, Lee Holthaus, Tom Martens, town clerk came in late, Tim Ebert, zoning administrator was absent.
3. **Approve Agenda:** Motion Platner seconded Holthaus that the agenda be approved as posted. Approved.
4. **Approval of Minutes:** Motion Ritter seconded Holthaus that the minutes of the July 14, 2005 Camp's C.U.P. hearing, July 18, 2005 regular committee meeting, and the July 25, 2005 special committee meeting be approved as written. Approved.
5. **Public Comments:**
 - 5A. **Vilas County R-1 Hearing:** Fred Radtke noted that Vilas County would be conducting an advisory public hearing pertaining to allowing weekly housing rentals in R-1 districts on September 6, 2005 at 9:00 A.M. at the Plum Lake Town Hall in Sayner.
6. **Zoning Administrator Report – Discussion/Action:**
 - 6A. **Travelway Permit:** Motion Ritter seconded Platner that a travelway permit be issued to D. Jezuit at 1894 Moon Road, K. Bol in Pine Acres, T. Nampel on Pine Tree Lane, and C. Ulasowski on Timber Lane. Approved.
 - 6B. **John Borth Home Occupation:** Section 1.12 of the zoning ordinance was reviewed. The committee was in unanimous consent that Mr. Borth's intentions at 123 E. Lullaby Lane do not qualify as a home occupation.
 - 6C. **Zero Setbacks:** Mr. Ebert had a question concerning the addition to Legends. He had received a concern from the Wolfpack since they have an air-conditioning unit facing Legends. The property is in the Downtown Business District. Businesses can be built right up to the lot line. It was not known whether or not Wolfpack is built up to the their lot line. The committee is of the opinion that this is something that has to be worked out between the property owners.
 - 6D. **Zoning Map Error:** Mr. Ebert brought it to the attention of the committee that the two lots on the southwest corner of the intersection of Half-Mile Road and Hwy. 155 are colored wrong. They should be colored red for the Community and Highway Business District. It appears as though they were changed by mistake when the recent correction was made to the two southern lots in Indian Woods. The error will have to be corrected.

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6E. Horses on Five Acres: Mr. Ebert noted that a realtor had asked him if two horses would be permitted on a five-acre parcel near Lost Lake. Horses are not addressed in the St. Germain Zoning Ordinance at all. Vilas County allows a hobby farm in all of their zoning districts. The county also allows one horse per acre up to five acres. Ms. Platner questioned that since horses are not addressed in our ordinance, does that mean that they should be allowed just because the county allows them. The committee was of the opinion that the town could not deny the horses.

7. Ordinance Amendments:

7A. Report Regarding Action from Vilas County on Zoning Amendments: Mr. Wiese reported that Vilas County still has done nothing with our zoning amendments. The county had a question concerning snowmobiles in the travelway ordinance. There was some confusion as to who was going to do what next. Mr. Wiese also stated that it was now decided that the county would give the information to their corporate counsel. Dawn Schmidt will notify Mr. Wiese of the corporate counsel's opinion.

7B. Report Regarding Action from Vilas County on district Map Amendments: Mr. Wiese reported that the Vilas County Zoning Committee had unanimously approved the zoning map amendment. It was sent to the full county board that approved it on August 16, 2005 by Resolution 2005-77.

8. Rezoning – Discussion/Action: No Discussion.

9. Subdivision Approval – Discussion/Action:

9A. Spirit Pines Review: The committee reviewed the Preliminary Plat of Spirit Pines Subdivision by Mr. & Mrs. Benicke. Mr. Wiese had a question concerning a wetland that was indicated on the plat. The surveyor indicated that the notation indicated a lowland, not a wetland. Mr. Ritter was concerned that on a parcel that he had recently purchased the notation meant wetland. The surveyor admitted that it had not been determined whether it was a lowland or wetland. The committee felt that it was important to know which it was. Motion Holthaus seconded Ritter that the Benicke's seven lot Preliminary Plat of Spirit Pines be approved with the condition that the surveyor make a notation on the Preliminary Plat that no filling or altering of any wetlands or lowlands can be done without the proper permits and that the committee chairman be allowed to sign the plat subject to the notation. Approved. The surveyor also needs to meet with Mr. Ebert to determine the exact location of the end of Burnt Bridge Road.

10. Conditional Use Request – Discussion/Action: No Discussion.

11. Plat and Survey – Discussion/Action:

11A. Birch Lane Village Condominium Plat Addendum: Mr. Wiese reported that the Kelnhofer's had been granted a variance to raze their cottage and rebuild in the same footprint. However, when the Kelnhofer's went to Vilas County for their permit, Dawn Schmidt stated that she needed a statement stating that there were no changes to the declarations of the condominium plat. It was discovered that since the condo declarations were written in 1986 that garages and decks had been constructed. It was not known if permits had been issued. There were, however,

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no changes ever made to the condo declarations. Mr. Kelnhofer has obtained signatures from eight of the ten property owners stating that they have no objections to anything. Mr. Kelnhofer also has a letter signed by the president, vice-president and secretary of the condo association stating that there will be no changes to the declarations. Mr. Ritter was concerned about when the garages, etc. had been built, who had decided that no changes were necessary to the condo declarations, and were permits required or not. There was also a question as to whether or not there needed to be a certified survey of the new construction. An engineer, not a surveyor, had signed the drawing that had been submitted by Mr. Kelnhofer. Mr. Ritter thought that at the very least, the condo association should be warned that future development within a condominium would require an addendum to the original plat. Motion Holthaus seconded Platner that the matter be tabled until the committee is presented with a legal opinion that no changes need to be made to the condo declarations, and until 100% of the property owners have indicated that they have no objections to anything that has been done. Approved. Mr. Wiese will notify Mr. Kelnhofer of the committee's decision.

12. Miscellaneous Agenda Items – Discussion/Action:

12A. August 3, 2005 Board of Appeal Decisions: Mr. Wiese reported that the Board of Appeals had granted variances to both Mary & Bruce Weber for their attached garage in Holiday Estates, and to Mr. & Mrs. Kelnhofer to raze their cottage in Birch Lane Village Condominiums. Mr. Wiese also noted that he had informed the town chairman that he needed to appoint a new member to the Board of Appeals since one of the members no longer wanted to serve on the board. Mr. Wiese also asked Mr. Wendt to appoint at least one alternate, preferably two alternates, to the Board of Appeals.

12B. Road Abandonment Resolution Introduced: Mr. Wiese stated that the Hiawatha Avenue Abandonment Resolution had been forwarded to the town board and to the Secretary of the Department of Transportation. A public hearing has been scheduled for August 30, 2005.

12C. South Bay Complaints: Mr. Wiese stated that he had contacted the owner of the travel trailer that had been parked on the South Bay Road right of way. The travel trailer has been moved from the road right of way, but is still parked farther in on the owner's property.

12D. Establishment of Zoning Administrator Permit Spreadsheet for Committee: Ms. Janssen had asked for a monthly report from the Zoning Administrator. Mr. Wiese had asked Mr. Ebert. Mr. Ebert already keeps a quarterly report for himself. He would have no problem providing a copy for the committee. Mr. Ritter stated that he would add the quarterly report to the Zoning Administrator's job description. Mr. Ritter would also like the committee to review the Zoning Administrator's contract when it is drafted.

13. Letters and Communications:

13A. Harold Brannon: Mr. Wiese stated that he had received a letter from Harold Brannon. Mr. Brannon had asked to build a dwelling that was 20 feet wide with a five-foot porch on the property along Hwy.155 across from Leisure Estates. Mr. Brannon has since changed his request to build a dwelling that conforms to the town's zoning ordinance.

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13B. Holiday Estates Blight Complaints: Mr. Wiese noted that he had referred the people who had been making the complaints to the Vilas County Health Department. Since the town presently has no blight ordinance, there is nothing that the town can do.

14. Committee Concerns:

14A. Horses near Lost Lake: Ms. Platner was still concerned about allowing the horses near Lost Lake. Mr. Ritter suggested that as the committee considers amendments to the town's zoning ordinance, a section concerning the pasturing of animals should be discussed.

14B. R-1 Rentals: Ms. Platner was also concerned about the county's proposal for home rentals in the R-1 zoning district. Ms. Platner stated that the 30-day requirement really had no bearing on the question. Whether or not the tenants are transient determines if the home can be rented, according to the State. Ms. Janssen noted that no sales tax or room tax is charged if a condo at Black Bear is rented for more than 30 days. The committee decided not to forward any opinion for the county's public hearing on the matter

15. Time and Date of Next Meeting: There will be a special workshop session on Monday, August 29, 2005 at 4:00 P.M in the boardroom of the Red Brick Schoolhouse. The next regular committee meeting will be held on Monday, September 19, 2005 at 5:00 P.M. in the boardroom of the Red Brick Schoolhouse.

16. Adjournment: Motion Holthaus seconded Ritter that the meeting be adjourned. Approved. Meeting adjourned 7:30 P.M.

Town Clerk

Chairman

Vice Chairman

Member

Member

Member