

BOARD OF APPEALS
TOWN OF ST. GERMAIN
OFFICE OF THE CLERK
P.O. BOX 7
ST. GERMAIN, WISCONSIN 54558
townofstgermain.org

MINUTES BOARD OF APPEALS: JOHN M. AND WENDI M. BENNETT
VARIANCE REQUEST SEPTEMBER 9, 2008

PLEASE TAKE NOTICE, that the Board of Appeals of the Town of St. Germain will meet on Tuesday, September 9, 2008 at 4:00 P.M. in meeting room #4 in the Community Center pursuant to Section 1.29(6) of the Town of St. Germain Zoning Ordinance, to consider a variance request for John M. & Wendi M. Bennett, Stephen J. Favorite, agent, for their property located in NW ¼ NE ¼, Sec. 32, T40N, R8E, 8453 Hwy. 70W, Computer No. 024-1687. The property consists of two residential dwellings on one 5.59-acre parcel. The owners propose a land division of two lots each with a residential dwelling. The variance request is that the minimum lot area for one parcel be 65,340 sq. ft.(1.5 acres) in the Residential Low Density Zoning District.

CERTIFICATION

The undersigned, Thomas E. Martens, certifies as follows: (1) that he is the Clerk of the Town of St. Germain, (2) that this notice was published in the Vilas County News Review on the 26th day of August 2008 and on the 2nd day of September 2008, and (3) was posted at the following locations: St. Germain Community Center, St. Germain Post Office, and Camp's Supervalu, and (4) the following were deposited postage paid by U.S. Mail to the following:

Call to Order by Board of Appeals Chairman, Boyd Best at 4:00 P.M.

Present: Boyd Best, Ray Weber, Jim Swenson, Jim Penkalski, Jim Lenz, Tom Martens, Town Clerk. Steve Favorite, John Bennett, Loren Anderson, Jim Santefort, Mrs. Swanson and another lady were also present.

Mr. Best explained that the Bennetts have a 5.59-acre parcel that is located in the Residential Low Density Zoning District. The required lot size in that district is 2.5 acres. The Bennetts are asking that the property be divided into two parcels of approximately 1.5 acres and 4.49 acres.

John Bennett stated that the smaller home nearest to Hwy. 70 was built a long time ago. He purchased the property in 1999 and built his new home in 2002. Jim Santefort, Mr. Bennett's father-in-law, would like to purchase the smaller home. The new zoning ordinance went into effect in 2001. Until now, there has not been an issue so Mr. Bennett has no need to request a variance before now.

Mr. Penkalski asked why the property could not be divided into two equal parcels. Steve Favorite, from Favorite, Anderson and Maines Surveying, the agent for Mr. & Mrs. Bennett, stated that it would cause an unnecessary hardship. Mr. Favorite also stated that the Bennetts were asking for an area variance. The property is a long narrow piece of property. To make each lot +/- 2.5 acres would require the lot line to be 500' to 600' from Hwy. 70. An easement would be excessively long. Mr. Favorite stated that the 2.5-acre lot size requirement in the Residential Low Density Zoning District was causing an unnecessary hardship for the Bennetts.

Mr. Penkalski also asked if Mr. & Mrs. Bennett would want to divide the remaining lot into smaller lots

sometime in the future. Mr. Bennett said that they would not be able to do that since their house was in the

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middle of the lot.

Mr. Lenz asked if the Bennetts had gotten all of the necessary permits when they built their home. Mr. Bennett stated that they had.

Mr. Weber stated that although he was in favor of granting the Bennetts the variance, he was not sure that the Board of Appeals had the authority to grant the variance since allowing the 1.5 acre lot would be more like a rezone. Mr. Favorite stated that he had considered applying for a rezone, but that he thought that it would be more difficult. Mr. Favorite again stated that he felt that there was an unnecessary hardship and that granting the variance was not contrary to the public interest.

Mr. Best said that he didn't understand why this parcel of property had been zoned in the Residential Low Density Zoning District in the first place since all of the surrounding land was zoned so that the lot size was 1.5 acres. Mr. Weber stated that there were a lot of parcels in St. Germain that he felt were zoned incorrectly.

Loren Anderson, an adjacent property owner, supported the Bennetts request. He thought it was the logical thing to do.

Mr. Best stated that he felt that the Bennetts should have objected to the zoning prior to building their home. He also felt that it was to their advantage to keep the larger parcel of land with their home. Mr. Best asked if a driveway easement over the lot with the smaller home would impact the acreage. Mr. Bennett stated that if his father-in-law ever decided to sell the smaller home, he would more than likely want to purchase it back from him. Mr. Best thought the variance should be granted and that the town board and Planning & Zoning Committee should consider rezoning the property.

Mr. Penkalski asked if the Board of Appeals could grant the variance with conditions. Mr. Weber stated that that would make it a conditional use permit. Mr. Favorite said that it was not a good idea to attach conditions to a variance.

There were no other comments.

Motion Penkalski seconded Lenz that the variance request by John M. Bennett and Wendi M. Bennett be granted. By a roll call vote: Mr. Weber – yes; Mr. Swenson – yes; Mr. Penkalski – yes; Mr. Lenz – yes; Mr. Best – yes. Motion carried. Variance granted.

Mr. Best adjourned the Board of Appeals at 4:37 P.M.

Town Clerk

Chairman

Member

Member

Member

Member

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