

**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: GARY & NANCY PAGEL**  
**VARIANCE REQUEST: NOVEMBER 20, 2008**

**PLEASE TAKE NOTICE**, that the adjourned Board of Appeals of the Town of St. Germain will meet on Thursday, November 20, 2008 at 4:00 P.M. in meeting room #4 in the Community Center pursuant to Section 1.15(2) of the Town of St. Germain Zoning Ordinance, to continue considering a variance request for Gary & Nancy Pagel, for their property located at 8138 Rainbow Dr. E., T40N R8E. The variance request is that an 8' x 10' porch has been constructed within 69' of the centerline of the town road.

**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 4<sup>th</sup> day of November 2008 and on the 11<sup>th</sup> day of November 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. Mr. Best noted that this was a duly called meeting in accordance with the Wisconsin Open Meetings Law. Mr. Best also noted that if there were any outbursts by any of the people present, they would be asked to leave. Mr. Best also explained that if the Board of Appeals denies a variance request, the next recourse is Circuit Court.

Present: Boyd Best, Ray Weber, Jim Swenson, Jim Lenz, Jim Penkalski, Tom Martens, town clerk. Gary Pagel and eight other people were present.

Zoning Administrator, Tim Ebert stated that he had gone over to Mr. Pagel's property and once again measured the distances. The foundation of the mobile home is 76' 8" from the centerline of Rainbow Drive East. The mobile home appears to have a 16" overhang. The porch is 68' 7" from the centerline of the town road with a 12" overhang. Mr. Penkalski thought that Mr. Pagel should have applied for a conditional use permit rather than a variance. However, the setback difference is greater than the 5% that is allowed under a C.U.P.

Mr. Pagel quoted that minutes of previous Planning & Zoning Committee meeting that stated that it was known that the new setback requirements in the zoning ordinance would cause problems in Holiday Estates. But, the committee members decided that rather than change the ordinance for Holiday Estates, it would be better to consider each case individually. Mr. Pagel said that is why he was before the Board of Appeals.

Mr. Best stated that the porch was not indicated on Mr. Pagel's original zoning permit application dated May 25, 2006. It was drawn in on the application for his addition, but the zoning administrator did not consider it when granting the application. Mr. Best also noted that under the Americans with Disabilities Act, exceptions must be made for people that are handicapped. Katherine Rodemeier stated that Mr. Pagel owned the adjacent lot and that he could put the handicapped entrance along the side of his mobile home without violating any ordinances.

Mr. Weber stated that as a realtor, he drives through Holiday Estates quite often. He has seen quite a few

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properties with porches or decks that are in violation. Mr. Ebert added that the properties on either side of Mr. Pagel are too close to the road. Kelly Pagel added that Rainbow Drive East is not in the center of the road right of way. If it were, there would not be this problem.

Mr. Lenz thought that the application should be approved since the neighbors were in violation and because of ADA.

Mr. Penkalski thought that Mr. Pagel should apply for a C.U.P.

Motion Lenz seconded Penkalski that Mr. Pagel be granted a variance for his porch. By a voice vote, motion carried. Mr. Penkalski was against.

Mr. Weber added that he thought that the Board of Appeals should not be put in the position of hearing cases that are after the fact. He thought that the Planning & Zoning Committee should impose a penalty if work was done without a permit. Then a permit should be applied for, denied, and then come before the Board of Appeals.

There were no other comments.

Mr. Best adjourned the Board of Appeals at 4:25 P.M.

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Town Clerk

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Chairman

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Member

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Member

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Member

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