

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: JULY 20, 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 5:00 P.M.
2. **Roll Call -Members Present:** John Vojta, Todd Wiese, Lee Holthaus, Mary Platner, Marion Janssen, Tim Ebert, Zoning Administrator, Tom Martens, Town Clerk. There were 38 other people also in attendance.
3. **Approve Agenda:** Motion Platner seconded Janssen that the agenda be approved in any order at the discretion of the chairman. Approved.
4. **Approval of Minutes:** Motion Wiese seconded Holthaus that the minutes of the June 15, 2009 regular committee meeting and the July 15, 2009 special committee meeting be approved as written. Approved.
5. **Public Comments:** There were none.
6. **Zoning Administrator Report – Discussion/Action:**
 - 6A. **Quarterly Report:** Mr. Ebert handed out his second quarter report. There have been 41 permits this year compared to 31 last year.
7. **Ordinance Amendments – Discussion/Action:**
 - 7A. **Cedar Ave. Property (Ebert):** Mr. Ebert noted that he had received a letter of complaint from Ronald Briggs, and signed by five other property owners, concerning the home at 2719 Cedar Ave. Mr. Wiese noted that there have been complaints about the home in the past. Mr. Ebert stated that there is siding the home, but there are holes through animals could get into the home. Mr. Ebert also stated that the town ordinance does address the interior of a building. It was suggested that Peggy Nimz, town chairman, should turn the matter over to the Vilas County Health Officer.
 - 7B. **Beaver Property Hole – letter (Vojta):** Mr. Vojta noted that he had sent a certified letter to Eleanor Beaver on June 25, 2009. As of today, he has not received a response. Ms. Beaver has 30 days to reply to the letter. Mr. Martens noted that he had received the certified card signed by Howard Beaver, Jr.
 - 7C. **Dick Schwerman – South Bay Rd. 7506 Fire number 1281 and 1347 (Marion/Vojta/Ebert):** Mr. Vojta noted that Ms. Janssen was to have sent a letter to the property owner at the corner of Hwy. 70 & South Bay Road and Mr. Vojta was to send a letter to the other two property owners. In the meantime, however, Mr. Ebert had brought up the fact that whatever business was being conducted might qualify as a home occupation. It was decided that if customers were being invited, the business was not a home occupation. It was decided that Mr. Vojta should send letters to the three property owners to first of all ask them to be good neighbors and clean up their property, and then to remind them that their business did not qualify as a home occupation and, therefore, would not be allowed.
 - 7D. **Ted Elbe Violation @ 2651 Hwy. C (Vojta):** Mr. Vojta stated that Mr. Elbe had started remodeling without a permit. He had stated that he thought that he didn't need a permit since he would only be increasing the height of his home by about 3 inches. Mr. Vojta stated that he had issued a permit to Mr. Elbe last week. He turned the \$25 check over to Ms. Janssen. Mr. Elbe also needs a permit from Vilas County.
 - 7E. **Tennyson – Dead End, Lindstrom Lane (Wiese):** Mr. Wiese stated that Charles Vogel had brought to his attention that Lindstrom Lane and Gessert Road appear to connect on a GPS map. Therefore, semi trucks have been driving to the end of the road and then cannot turn around. Mr. Wiese asked that "Dead End" signs be placed on the roads.
 - 7F. **Setback Requirements (Ebert):** Mr. Ebert stated that he has had several people applying for

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garage permits who have homes on non-conforming lots. With the present 15-foot side lot setback, there is not enough room for the garage. Mr. Ebert asked that the committee revisit the setback requirement. He asked that the sideline setback be 5 feet for any lot that has an existing home. Mr. Ebert also asked that the 5-foot setback line be extended for an addition to a garage that is not attached to the primary building on the property.

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 was concerned that the second plat that had been signed could be recorded and the town would not know anything about it. Motion Wiese seconded Platner that the matter be tabled at this time..

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

10. Plat and Survey - Discussion/Action:

10A. Charles Vogel – Eagle Woods: Mr. Vojta noted that a portion of the road on the plat for Eagle Woods is not on Mr. Vogel's property. Mr. Vogel is aware of the problem and is working on getting an easement from the property owner. Mr. Vojta has not signed the plat for Eagle Woods.

11. Miscellaneous Agenda Items – Discussion/Action:

11A. Sign Ordinance Review (Discussion Only) – Platner: Mr. Vojta stated that he would like each committee member to voice any concerns that they might have about the draft of the sign ordinance that had been handed out by Ms. Platner last Wednesday. It had originally come of the subcommittee not to allow off-premises signs.

Mr. Holthaus stated that it was not clear about whether or not real estate signs, open house signs, and directional signs were allowed. He also asked about signs on ice shanties and inflatable signs. He also questioned sec. 10, page 8 concerning the 1st amendment protection paragraph.

Ms. Platner stated that she had called the director of shoreland zoning about signs placed along lakeshores.

Mr. Wiese stated that in his nine years of being involved in town affairs, the only complaints that he had heard were concerning billboard signs. He thought that the intent of an ordinance was to address billboards. He thought that the current draft went into too much detail. He thought that signs should be kept reasonable and that the current draft was not the final draft of the ordinance. Mr. Wiese also had concerns about limiting a business to two signs. He also questioned the section about beacon lights and parked car signs.

Mr. Vojta questioned abandoned signs and seasonal businesses. He also had concerns about minimum sizes, multiple advertising, signs on power poles, roof signs, and a grandfather clause.

Ms. Janssen also questioned the parked vehicle signs. She also had concerns about the 75' setback, and business signs and new owners. Ms. Janssen thought that businesses should be allowed more signs.

Mr. Ebert questioned the enforcement of the ordinance. He asked about window signs, electronic signs, and fasteners. He also asked about the section concerning landscaping and weeds.

Mr. Vojta asked if an open house as mentioned in the minutes of the September 7, 2007 meeting had ever been held. Ms. Platner stated that it had not been held. Mr. Wiese stated that there have been drafts dating back to 2001. He stated that this is a work in progress.

11B. Public Comments: Mr. Vojta opened the meeting to public comments. It was noted that the

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committee could not respond to any of the comments.

Dave Clark asked who had drafted the sign ordinance. He also stated that since 1997 when the town study had been done, things had changed. Mr. Clark stated that if volunteers for a sign committee were needed, there would be volunteers from the business people who were present. He also stated that he felt that all of the signs in town were tastefully done.

Wally Geist said that he had been asked to be on a subcommittee concerning off-premises signs, but that he had only attended one meeting, and then had not been notified of any other meetings.

Bruce Weber responded to Mr. Wiese saying that this was the time to ask questions about the ordinance. He stated that off-premises signs were needed and that businesses must advertise. He also thought that there should be more business people on a committee for the sign ordinance.

David T. said that he understood the intent of the ordinance, but that a lot of it was already covered in State and Federal Codes. He also thought that businesses had the right to compete for customers. He thought that the definitions needed to be made clearer and that the maximum square footage for signs was too small.

Tom Christensen asked what action was going to be taken according to the agenda. He asked if the committee was trying to railroad the ordinance through since this was the busiest time of the year and it was hard for people to attend meetings like this. Mr. Christensen stated that definitions were missing and that having only one directional sign per business was not practical for a business like Bibs Resort. He thought that there needed to be more allowable square footage. Mr. Christensen also asked about businesses in the Lake Shore Resort Residential District. The ordinance doesn't seem to address signs in other districts and permit fees.

Richelle Kruse stated that she thought that the ordinance was anti-business. She thought that the whole thing should be scrapped. She also asked if signs such as the Flea Market sign would fall under the ordinance.

Bob Fath stated that restaurants and businesses off of a main road needed directional and off-premises signs.

Ron Rhodes said that this was a tourist town and that the businesses needed to advertise. He thought that signs that had truly been abandoned should be taken down.

Diane Misina thought more tourism would not be the worst thing that could happen. She thought that the ordinance would be equal to the rerouting of Hwy. 70. She thought that there should be a whole new entity to study a sign ordinance that had some goals in mind. She mentioned the right of free speech and too much control.

David Weber appealed to the committee to take a step backward and look at the ordinance again.

Fred Radtke stated that as a tourist he depended on signs.

The reporter from the Lakeland Times asked if the present business signs would have to change.

Diane from Twin Waters asked if "action" on the agenda meant a vote.

Jo Daniels stated that directional signs for rural businesses were necessary. She also thought that if government and non-profit events were allowed banners, businesses should be able to have them too.

11C. Sign Ordinance Action: Motion Holthaus seconded Platner that the sign ordinance be referred to a workshop committee. Motion carried by a voice vote. Ms. Janssen and Mr. Vojta voted against. Mr. Vojta stated that he was not sure that there should be a sign ordinance at all. He was against sending it back to a committee. Ms. Janssen thought that there should be a new committee altogether. Ms. Platner thought that there should be some consensus as to what should be done and how people wanted the town to look. Mr. Wiese stated that this had just been a draft and that a public hearing date had not been set.

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11D. Sign Ordinance – Timeline presentation (Platner): Motion Janssen seconded Holthaus that the timeline be tabled at this time. Approved.

12. Letters and Communication:

12A. Alan Breck Letter: Mr. Vojta noted that Mr. Breck had a problem getting Darrin Pagel to do the final inspection on his home, but that it had now been completed.

13. Committee Concerns:

Todd Weise: Mr. Wiese stated that he had no objections to a sign ordinance but that this one was too complicated. He also stated that the committee was not trying to stymie businesses.

Marion Janssen: Ms. Janssen thanked the business people for attending the meeting.

John Vojta: Mr. Vojta stated that he was not happy with how the sign ordinance draft had been disseminated throughout town, but he was happy with the results of the meeting. Mr. Vojta also asked that a list of committee volunteers presented by Bruce Weber be entered into the minutes:

Wally Geist, 892-3545, revgeist@yahoo.com; Diane Misina, 891-0048, diane@blackbearlodge.com; Tom Christensen, 891-5967, stgsport@verizon.net; David Weber, 479-9150, dsweber@verizon.net; Heather Trapp, 358-8891, h_rivord@hotmail.com; Bruce B. Weber, 479-9150, raccorp@verizon.net; David Clark, 479-2841, dcreealty1@yahoo.com; Ted DeRuiter, 892-1487, tmsinternetcompany@verizon.net; Judy Best, 542-3765, info@idlehours.com; Jamie Fath, 542-2351, bigwood@nnext.net; Bob Fath, 542-2351, Clearview; Bill & Mary Koener, 479-8866, Serenity Bay Resort.

14. Set Time and Date of Next Meeting: The next regular monthly Planning & Zoning Committee meeting will be held on Monday, August 17, 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 7:07 P.M.

Town Clerk

Chairman

Vice Chairman

Member

Member

Member